



## *Report to the Auburn City Council*

Action Item	11
Agenda Item No.	
City Manager's Approval	

**To:** Mayor and City Council Members  
**From:** Lance E. Lowe, AICP, Associate Planner *[Signature]*  
**Date:** July 9, 2012  
**Subject:** A Public Hearing to Consider an Appeal of the Planning Commission's Denial Recommendation of a General Plan Amendment and Rezone and Denial of a Use Permit and Tree Permit at 207, 211 & 215 Brook Road for El Toyo Institute, LLC

### *The Issue*

Should the City Council deny the appeal, thereby affirming the Planning Commission's denial recommendation of a General Plan Amendment and Rezone and denial of the Use Permit and Tree Permit or should the City Council approve the appeal, thereby overturning the Commission and approve the General Plan Amendment, Rezone, Use Permit and Tree Permit?

### *Background*

On November 15, 2011, the Planning Commission held a duly noticed public hearing to make a recommendation on a General Plan Amendment and Rezone and consider a Use Permit and Tree Permit located at 207, 211 & 215 Brook Road (Vicinity Map & Aerial Photograph **Attachments 1 & 2 of Exhibit E**).

After receiving public testimony and discussion of: 1) Conditions of Approval; 2) Environmental Document; 3) Noise; 4) Open Space Conservation Zoning; 5) Parking and Enforcement; 6) Traffic & Safety; and, 7) Lighting, the Planning Commission considered imposing additional conditions on the project and made a motion recommending approval (**Exhibit A** – Project Conditions of Approval). However, the Planning Commission vote resulted in a 2:2 tie (Moved: Young; Seconded: Snyder; Ayes: Vitas & Snyder; Noes: Spokely & Young; Absent: Worthington) (**Exhibit B** – Planning Commission November 15, 2011 Minutes). Because a majority vote by the Planning Commission did not occur, the Planning Commission's action ultimately failed resulting in a recommended "defacto" denial of the General Plan Amendment and Rezone and denial of the Use Permit and Tree Permit. As discussed at the Planning Commission hearing, the Use Permit and Tree Permit, which by the City's Zoning Ordinance can be approved by the Planning Commission, are not mutually exclusive from the General Plan and Rezone and approval/denial of those entitlements by the Planning Commission, without approval of the legislative General Plan Amendment & Rezone by the City Council, are not valid until such time the General Plan Amendment and Rezone are ratified). Accordingly, the Planning Commission, having reached an impasse with a 2:2 vote, elected to have

the City Council make the final decision considering that the final approval rests with the City Council's legislative approvals of the General Plan Amendment and Rezone.

On November 23, 2011, an appeal was filed by Mr. Shawn Batsel with the City Clerk's Office noting that due to the Planning Commission's 2:2 lack of majority vote, the applicant desires to have the entire project considered by the City Council (**Exhibit C** – Appeal Filed by Shawn Batsel dated November 23, 2011).

**Recommended Motion (Approval)**

Based upon staff's initial Planning Commission recommendation of approval; the Planning Commission's (2:2) tie vote; the public hearing discussion; and, additional conditions imposed, staff recommends that the City Council take the following actions:

- A. By Resolution (**Exhibit D**) uphold the appeal, thereby approving the General Plan Amendment, Rezone, Use Permit and Tree Permit, based upon substantial evidence in the public record, which includes the following actions:
  - 1. Adoption of a Mitigated Negative Declaration, prepared for the General Plan Amendment, Rezone, Use Permit & Tree Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit E**);
  - 2. Adoption of a Mitigation Monitoring and Reporting Plan (MMRP) implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines (**Exhibit F**);
  - 3. Adoption of Findings of Fact to uphold the appeal and approve the General Plan Amendment, Rezone, Use Permit and Tree Permit as presented in the Staff Report; and,
  - 4. Approval of the Use Permit and Tree Permit in accordance with the Conditions of Approval as presented in the Staff Report.
- B. By Motion, introduce and hold a first reading, by title only, of an ordinance approving the Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) for ±1.97 acres located at 211 Brook Road (**Exhibit G**);

These motions may also be adjusted if the Council wishes to grant the appeal in part and order changes to the project, such as alteration of the conditions of approval.

**Alternative Motion (Denial)**

- C. By Resolution deny the appeal, based upon substantial evidence in the public record, thereby denying the El Toyon Institute General Plan Amendment, Rezone, Use Permit and Tree Permit and direct staff to prepare appropriate findings and resolutions for City Council consideration at the August 7, 2012, meeting.

---

**Entitlements**

El Toyon Institute (ETI) proposes a General Plan Amendment, Rezone, Use Permit & Tree Permit for a proposed mediation and training facility to be located at 207, 211 & 215 Brook Road. In addition, ETI also proposes 4 fundraising events each year.

The project site consists of three parcels totaling  $\pm 2.5$  acres. The first parcel at 207 Brook Road is undeveloped. The property includes a boundary line adjustment to reconfigure the property line to coincide with the General Plan Amendment and Rezone. The second parcel, 211 Brook Road, is the location of a second unit and the historic residence known as El Toyon. El Toyon is a locally recognized historic resource that has been placed on the National Register of Historic Places on March 31, 2010 for its distinctive Shingle Style of Architecture (**Attachment 4 of Exhibit E**). The 211 Brook Road property will be used for education; as a library; and, mediation retreat center. The ground floor of the residence and second unit would be used as a non-profit mediation center. The upper floor of the main residence would remain a private residence. The mediation space on the main level is  $\pm 2,293$  sq. ft. with an additional  $\pm 640$  sq. ft. in the second unit. In addition, ETI hopes to convert an existing  $\pm 960$  square foot garage into a class room which would be used for training purposes. The converted garage will be  $\pm 768$  square feet with accessible bathrooms. The third adjacent parcel to the south identified as 215 Brook Road, would be used for parking (**Attachments 5 & 9 of Exhibit E – Site Plan & Project Description**).

**General Plan Amendment:**

The General Plan is proposed to be amended from Urban Low Density Residential (ULDR) to Open Space (OS). The ULDR designation allows for a combination of lower urban residential densities. Housing types under this density are primarily single-family detached homes, patio homes, and zero lot line homes. Building intensities may be up to a maximum of two to four units per acre.

The proposed Open Space designation provides for the preservation of land in its natural state and allows the development of trails, bike paths, and parks and includes all of the Auburn Recreation District facilities (**Attachment 6 of Exhibit E**).

**Rezone:**

A Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) is also proposed. The current residential designation allows for single family residential and accessory uses on minimum parcel sizes of 10,000 square feet. Based upon the property size of  $\pm 2.5$  acres solely, approximately 10 residential dwellings could be constructed on the property(s) with an approved subdivision.

According to the Auburn Zoning Code, Open Space Conservation Uses are defined as any of the following:

- a) Public recreation and education;
- b) The enjoyment of scenic beauty;
- c) The conservation or use of natural resources;
- d) The production of food and fiber;

- e) The protection of human and his or her artifacts (buildings, property, and the like); and,
- f) The containment and structuring of urban development.

A Rezoning Exhibit is attached herewith as **Attachment 7 of Exhibit E**

#### **Use Permit:**

In the Open Space Conservation (OSC) zone, “Charitable, Research, and Philanthropic Institutions” and “Unique privately-owned facilities and historic sites” are permitted with approval of a Use Permit in accordance with *Section 159.405 et seq.* of the Auburn Zoning Ordinance. The Use Permit will be considered concurrently with the General Plan Amendment, Rezone and Tree Permit. See further discussion of Mediation, Training and Fundraising Events below.

Findings for approval of the Use Permit in accordance with *Section 159.405 et. seq.* are:

That the establishment, maintenance and/or conduct of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the city.

#### **Tree Permit:**

A tree permit is required for any regulated activity within the critical root zone of a protected tree where the encroachment exceeds 20% of the critical root zone, or where the regulated activity is related to a discretionary permit.

According to the Arborist Report prepared for the project by *Randall Frizzell & Associates dated March 12, 2011*, there is one Blue Oak tree which will be impacted by the proposed parking lot improvements.

The arborist of record recommends that an aeration system be installed under the paving within the critical root zone to preserve the Blue Oak tree (**Attachment 11 of Exhibit E – Arborist Report**).

Tree Permit conditions of approval have been imposed to facilitate preservation of the Blue Oak.

#### **Project Description**

**Mediation:** Mediation is proposed in the El Toyon Estate and second unit. According to the applicant, Mediation is the process of refined communication in which parties work through issues with a neutral facilitator or facilitators. Mediation is voluntary to both the mediator and to the parties (anyone can call it off at any time). The parties draft their own agreements and mediation notes are shredded. In California, the process in its entirety is protected by confidentiality statutes for the purpose of discovery. There are no offices, no office desks, no work product, no advice given, and no file cabinets. Mediations, due to their confidential and sensitive nature could only be done one at a time and therefore could facilitate two mediations a day, operating week days between the hours of

9:00 a.m. to 5:30 p.m. A typical mediation would involve two parties and would last four to five hours.

Hours of Operation for Mediation Services are: 2 mediations per day (8 people maximum) 9:00 a.m. to 5:30 p.m.

ETI also plans to collaborate with other local non-profits (i.e. Boys and Girls Club of Auburn), governmental agencies (i.e. Auburn Police and Placer County Sheriff), schools (i.e. Auburn Union Elementary and Placer Union High School Districts), and local churches by bringing activities including training and mediation to their respective sites.

***Class Instruction:*** ETI plans on converting an existing  $\pm 960$  square foot garage into a  $\pm 768$  square foot 30 student classroom with accessible (ADA) bathrooms. Upon completion of construction, the trainings would be moved to the converted garage allowing concurrent break-out mediations in the historic residence and the second unit. Training subjects would include communication techniques, negotiation, mediation, non-violent communication, restorative justice and other similar topics the community shows an interest in through period surveys.

Class Instruction: (10 days per quarter) Thursday-Saturday 8:00 a.m. to 5:00 p.m.

***Fundraising Events:*** ETI also requests the option of hosting 4 outdoor fundraising events per year for local non-profit and government projects. Meals would be catered by outside vendors, if food is to be served. Fundraisers would be held on the weekend (Friday night, Saturday or Sunday), with the event terminating at 10:00 p.m. Fundraisers would be for approximately 60 guests and an estimated event staff of 10 persons.

As Conditioned, all sources of music shall be located within the rear  $\frac{1}{4}$  of the subject property as shown on **Attachment H**.

ETI proposes to utilize off-site parking facilities to mitigate excess parking demands. See parking discussion below.

See Applicant's project description attached herewith as **Attachment 9 of Exhibit E**.

### **Boundary Line Adjustment:**

An administrative approval of a boundary line adjustment will also be considered with the project. The boundary line adjustment will reconfigure the 211 Brook Road property to coincide with General Plan Amendment & Rezone of property (**Attachments 6 & 7 of Exhibit E**).

### **Analysis**

A Planning Commission public hearing was held on November 15, 2011, for the El Toyon project. During the hearing, testimony and discussion of: 1) Conditions of Approval; 2) Environmental Document; 3) Noise; 4) Open Space Conservation Zoning; 5) Parking and Enforcement; 6) Traffic & Safety; and, 7) Lighting were discussed. After deliberation of these issues by the Commission and consideration of additional conditions by the Planning Commission, a motion was made for

approval, but lacked a majority vote. (Moved: Young; Seconded: Snyder; Ayes: Vitas & Snyder; Noes: Spokely & Young; Absent: Worthington).

A brief analysis of the additional conditions of approval and discussion conducted at the Planning Commission is provided below:

### 1. Additional Conditions of Approval:

Additional conditions of approval discussed at the Planning Commission public hearing and further presented to the applicant subsequent to the Planning Commission public hearing are as follows. (*A brief discussion of each of the conditions follows each condition in italic text*):

The added Conditions of Approval are noted below and are enumerated consistent with **Exhibit A – Project Conditions of Approval**:

- 10(g) All new project lighting used around the parking lot in connection with the proposed mediation, training, and educational use of the estate shall be turned off within an hour of the end of the operating hours as listed in Planning Commission No. 5 (i.e. by 6:30 p.m. following mediations, 6:00 p.m. following mediation training, and 11:00 p.m. following fundraising events).

*Staff and the applicant are in agreement with the above condition of approval.*

13. Two years from the date of approval, the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission, the City can proceed with revocation of the Use Permit.

*The above condition was considered by the Planning Commission. The applicant has suggested alternative wording inserting the following after the first sentence (bottom of Page 4 of Exhibit J): "Following a review of the operations, and in accordance with all applicable laws, if deemed....."*

*Staff, in consultation with the City Attorney, recommends against the additional language suggested by the applicant's counsel.*

14. No later than 10 days prior to a fundraising event for an identified non profit group the applicant shall provide a notice of the date and time of the scheduled event. The notice shall be posted on the El Toyon Institute website, and shall be provided via e-mail to interested parties that have provided e-mail addresses to the applicant, and by e-mail to the Community Development Department.

*Staff and the applicant are in agreement with the above condition of approval.*

15. The applicant agrees that this permit shall not run with the land. The applicant agrees that the permit is valid so long as El Toyon Institute is owned and managed by Teresa Batsel, Henry Batsel, or a member of Teresa or Henry's immediate family (e.g. daughter, son or

nephew (Shawn Batsel). If El Toyon Institute or the property is transferred to a non-family member third party, the permit shall immediately terminate.

*The applicant has suggested alternative wording allowing, additional heirs to operate the facility (i.e. Father, Mother, daughter, son, niece, nephew, grandchildren, etc.) (Page 7 of Exhibit J):*

*Staff believes that a transfer to unspecified heirs is difficult to implement and enforce. Staff recommends more specificity to effectively implement and enforce the proposed condition.*

16. El Toyon is an estate residence of historical significance to the City and region, and retention of residential uses associated with the site is important to the community. The rezoning to OSC expands the use of the residence for charitable and educational purposes (as described herein), but does not in any way limit the owners ongoing right to use the property for residential purposes.

*Staff and the applicant are in agreement with the above condition of approval.*

MM#2 Prior to the first Fundraising Event, ***and/or Mediation Training***, the applicant shall submit for review and approval a Ride Sharing Program. The Ridesharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and from fundraising events. The parking lot site shall be on private property. The Ridesharing Program shall be approved by the Community Development Department prior to the first Fundraising Event ***and/or Mediation Training***.

***Applicant shall be responsible to ensure that all those not participating in the ridesharing program shall park their vehicles on-site. No parking shall be permitted upon the public streets.***

*The applicant has also agreed to expand a ridesharing program for Mediation Training as well as Fundraising events. Staff and the applicant are in agreement with the above condition of approval.*

## **2. Environmental Document:**

An Environmental Checklist (Initial Study) was prepared to examine potential areas for impact resulting from this project. Based upon staff's review, Biological Resources and Transportation/Traffic were identified as potentially significant impacts. The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and prepared a Mitigated Negative Declaration.

Public notice of Intent to Adopt a Negative Declaration and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Mitigated Negative Declaration was circulated for public review for a **20-day** public review period commencing on October 21, 2011 (**Exhibit E – Initial Study/Mitigated Negative Declaration**).

In accordance with CEQA, the Mitigated Negative Declaration includes a Mitigation Monitoring and Reporting Plan (MMRP). The MMRP identifies the mitigation measures that reduce potential project impacts to a less than significant level. The Mitigated Negative Declaration and MMRP will be adopted with the project and their requirements will be included with the project's Conditions of Approval (**Exhibit F – Mitigation Monitoring & Reporting Plan**).

The City has received several comments about the environmental document and other concerns regarding the project. These comments have been attached to this report for the City Council review and consideration (**Exhibit I – Project correspondence provided to Council under separate cover**).

With respect to the comments received and in accordance with CEQA, the City may not adopt a Negative Declaration and must prepare an Environmental Impact Report (EIR) if it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.

In accordance with CEQA, "Substantial Evidence" means enough relevant information and reasonable inferences from the information that a fair argument can be made to support a conclusion, even though other conclusions may be reached. Argument, speculation, inaccurate information, unsubstantiated opinion, or social or economic impacts unrelated to physical changes to the environment do not constitute substantial evidence. Similarly, the existence of public controversy over the environmental effects of a project does not, in and of itself, require preparation of an EIR if there is not substantial evidence before the agency that the project may have a significant effect on the environment.

In response to comments received, the applicant's counsel has also submitted correspondence dated June 29, 2012, citing that although they agree with the conclusions stated in the Negative Declaration; it is their position that the project may also be Categorical Exemption from CEQA pursuant to a Class 1 – Existing Facilities, Class 3 – New Construction or Conversion of Small Structures, Class 11, Accessory Structures, and Class 31 – Historical Resource Restoration/Rehabilitation (**Exhibit J – Applicant's Counsel Correspondence dated June 29, 2012**).

In consultation with the City Attorney, it is staff's position that the environmental document prepared for the project is adequate and in compliance with CEQA.

### 3. Noise

The Brook Road neighborhood is a quiet low density rural residential neighborhood. Because many rural residential areas experience very low noise levels, residents may express concern about the loss of "peace and quiet" due to the introduction of a sound which was not audible previously. In very quiet environments, the introduction of virtually any change in local activities will cause an increase in noise levels. A change in noise level and the loss of "peace and quiet" is the inevitable result of land use or activity changes in such areas. Audibility of a new noise source and/or increases in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts.

For residential uses, the City of Auburn General Plan establishes maximum noise levels of an Ldn/CNEL of 60 db for the exterior and 45 db interior. As an example, a conversation at 6 feet is identified as having a noise level of 60 db (Noise Element page 54).

The addition of new uses to the site consisting of mediation, training and fundraising events would introduce new noise sources to the area. However, the project is not anticipated to expose persons or generate noise levels in excess of standards established in the City of Auburn General Plan. The El Toyon residence is approximately 130 feet from adjoining properties on Brook Road.

Grading and paving of the driveway and parking lot areas, will cause or contribute to a temporary increase in ambient noise levels; however, this impact is short-term and is subject to the City's Noise Ordinance, which limits hours of construction generally from 7:00 a.m. to 6:00 p.m.

Mediation services for up to eight persons at a time will be conducted indoors and are anticipated to have nominal noise increases. Similarly, training for up to 30 students, 10 days per quarter is not anticipated to increase noise levels in excess of the City's General Plan standards noted above.

Fundraising event noises will occur periodically throughout the year. According to the applicant's project description, fundraisers would be held on the weekend (Friday night, Saturday or Sunday), with the event terminating at 10:00 p.m. No loud sources of music or noise will be permitted.

Conditions of approval No. 5 have been imposed thereby limiting the hours of operation for fundraising events to 10:00 p.m. and that all outdoor bands/entertainment/music sources shall be located within the rear ¼ of the property as shown in **Exhibit H – Music Location Exhibit**

#### **4. Open Space Conservation Zoning**

The proposed project is located in a rural low density residential neighborhood. Concerns about the Rezone to Open Space Conservation Zoning (mediation, training and fundraising) uses in a low density residential neighborhood were raised at the Planning Commission.

The El Toyon property has been placed on the National Register of Historic Places and is therefore subject to the additional building alteration restrictions for historic resources.

Rezoning the property from Residential, Single-family, minimum parcel size 10,000 square feet to the Open Space Conservation (OSC) Zone would constitute a down-zone to a more restrictive zone than currently exists. Based upon the property size solely, the current zoning would allow up to 10 homes to develop on the property with an approved development. The Rezoning to OSC will limit future development. According to the Open Space Conservation (OSC) Zone district Section 159.044, the application of the OSC Zone should be applied as follows:

“....the Open Space and Conservation (OSC) District classification shall be applied to properties which should be generally maintained in an open or undeveloped state or be developed for permanent open uses, such as parks or greenbelts. The preservation of open space and conservation land is necessary to assure its continued availability for agricultural purposes, for the enjoyment of scenic beauty or recreation, for the protection of the ecology and environment, for

the containment of urban sprawl and the structuring of urban development and for its retention in its natural or near natural state to protect the community against hazards resulting from its disturbance by man or nature.”

According to the Auburn Zoning Code, Open Space Conservation Uses are defined as:

- a) Public recreation and education;
- b) The enjoyment of scenic beauty;
- c) The conservation or use of natural resources;
- d) The production of food and fiber;
- e) The protection of human and his or her artifacts (buildings, property, and the like); and,
- f) The containment and structuring of urban development.

While the project does not preserve parks, greenbelts or ecology, rezoning the subject property to the Open Space Conservation (OSC) zone protects a unique historic property listed on the National Register of Historic Places and preserves a view shed designated as a “Scenic Corridor Area” consistent with the OSC Zone.

Accordingly, it is staff’s opinion that the proposed project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the city.

## 5. Parking & Enforcement

*Parking* – As shown on the site plan, off-street parking of 23 spaces has been provided for the proposed project consisting of the El Toyon historic house and second unit, mediation, training and periodic fundraising events. The 23 off street spaces provided is broken down into: 16 full size spaces (9 feet by 18 feet); one Accessible Parking Space located at the south end of the site; and, 6 compact parking spaces (8 feet by 18 feet).

Although not designated as such, an additional 7 to 9 cars could be parallel parked on the driveway taking into account the Fire Department does not need a 20 foot driveway for access as the project is not considered a commercial use from the Fire Department’s perspective.

Analysis of the parking space requirements for the project is provided in the description and table below:

*House & Second Unit:* 2 parking spaces are required for single family dwellings and 1 parking space for a second unit (3 total).

*Mediation:* Mediation is similar to an office use so the City standard of 1 parking space per 400 sq. ft. is used for the ±2,293 square foot El Toyon residence and ±640 square foot second unit resulting in a total of 7 parking spaces.

**Mediation Trainings:** Trainings would occur in a  $\pm 768$  sq. ft. classroom. Using the California Building Code occupant load factor of 20 sq. ft. per student, an estimated 38 students could be trained in the converted garage. From a parking ratio view, the closest use-type is a Vocational School. The City of Auburn does not have off-street parking standards for Vocational Schools. Accordingly, Placer County and City of Sacramento and other jurisdictions parking standards, where examined. Placer County requires 1 parking space for 300 sq. ft. while the City of Sacramento requires 1 parking space for every 3 students. In this case, the more conservative standard was used to quantify the parking spaces required (i.e. 1 parking space per 3 students) for the trainings resulting in 12.6 or 13 parking spaces required ( $38 \text{ students} / 3 = 12.6$  or 13). The higher student building occupancy factor was also used despite the applicant requesting a classroom size of 30 students.

**Fundraising Events:** Quarterly Fundraising events are proposed throughout the year for non-profit organizations. Using a ratio of 1 parking space per 2.5 persons a parking capacity of 28 parking spaces would be required resulting in an on-site parking deficit of 5 spaces.

USE	PARKING STANDARD	PARKING SPACE REQUIRED/PROPOSED
House/Second Unit	3 parking spaces	3 parking spaces
Mediation	1 per 400 sq. ft. ( $2,293 + 640 \text{ sq. ft.} / 400$ ) = 7.3 = 7 parking spaces	7 parking spaces
Training	38 persons (Building Occupancy) / 1 parking space per 3 persons = 12.6 = 13 parking spaces	13 parking spaces
	<b>Total:</b>	<b>23 required/23 provided</b>
	<b>Parking Space Surplus/Deficiency</b>	<b>None</b>
Fundraising Events	60 persons + 10 staff = 1 space per 2.5 persons	28 parking spaces
	<b>Total:</b>	<b>28 required/23 provided</b>
	<b>Parking Space Surplus/Deficiency</b>	<b>-5 parking spaces</b>

In response to the inadequate parking capacity for Fundraising Events, the applicant has negotiated a parking lease with the Bayside Auburn Church located at 450 and 490 Nevada Street (*Attachment 10 of Exhibit E – Tentative Lease Agreement*). The Bayside Church is located approximately 1.5 miles from the project site. According to the Tentative Lease Agreement, the applicant has use of the parking lot on 3 to 4 dates to be determined in the future. Considering that the parking agreement is for a temporary duration, there may be an outstanding inadequate parking capacity on-site. However, with implementation of the following mitigation measures, the above identified parking impact will be reduced to a less than significant level.

**Mitigation Measure**

- ~~1. Prior to the first Fundraising Event, the applicant shall revise the site plan to provide a minimum of 5 parallel parking spaces along the driveway. Parallel parking spaces shall have a minimum dimension of 8 feet in width and 22 feet in length. The site plan shall be submitted for review and approved to the satisfaction of the Community Development Department prior to the first Fundraising Event.~~

~~Alternatively, the applicant shall:~~

2. Prior to the first Fundraising Event, *and/or Mediation Training*, the applicant shall submit for review and approval a Ride Sharing Program. The Ridesharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and from fundraising events. The parking lot site shall be on private property. The Ridesharing Program shall be approved by the Community Development Department prior to the first Fundraising Event *and/or Mediation Training*.

*Applicant shall be responsible to ensure that those not participating in the ridesharing program shall park their vehicles on-site. No parking shall be permitted upon the public streets.*

As noted above, the applicant has also committed to expand the ridesharing project to include Mediation Training, in addition to Fundraising Events, although adequate parking exists on site for the Mediation Training use.

*Enforcement* – Should any violations of the aforementioned parking conditions be violated, community development staff will work in conjunction with code enforcement and the police department to remedy any parking issues.

Should parking violations persist, revocation of the use permit can be undertaken by the Planning Commission at any time.

**6. Traffic & Safety**

*Traffic* – The El Toyon project would increase traffic volumes on the local street network. The following analysis was used to quantify the anticipated traffic to be generated by the project. However, it should be noted that with the applicant proposing to expand the ridesharing program for Mediation Training, in addition to Fundraising Events, the traffic counts, with the exception of the existing house and Mediation, no longer apply.

A traffic study was not required by the Public Works Department due to the relatively low vehicle trips anticipated to be generated from the project.

The subject property contains the El Toyon historic house and second unit. The *Institute of Transportation Engineers (ITE)* trip generation rates indicates that the existing residential and second unit generates an estimated 18 vehicle trips per day (12 vehicle trips per day for Estate housing and 6 vehicle trips per day for small detached housing) for the existing use.

The project proposes mediation, training, and fundraising events. Based upon the proposed use, it is assumed that mediation and training would occur simultaneously, while, fundraising events would occur separately from mediation and training uses. An analysis of each of the uses and cumulative analysis related to Transportation/Traffic follows:

*Mediation:* Mediation would occur between 9:00 a.m. to 5:30 p.m. and would include two mediations per day. A typical mediation would involve 2 parties and would last four or five hours. Including the staff members, it is assumed that up to 8 parties may be involved in a typical Mediation session. Using the Single Tenant Office category, the ITE trip generation rates are estimated at 12 vehicle trips per 1,000 square feet. Accordingly, the ±2,293 square foot mediation office use and ±640 sq. ft. second unit would generate an estimated 35 vehicle trips per day (in/out) between the hours of 8:30 a.m. and 6:00 p.m. Monday through Friday.

*Training:* An estimated 30 students are anticipated to be trained in the proposed converted garage, which would include up to 5 personnel such as trainers and service workers. Trainings would occur between 8:00 a.m. to 5:00 p.m. Thursday through Saturday an estimated 40 days per year. Using a Vocational School use category, the ITE trip generation rates are estimated at 1.5 vehicle trips per student. This would equate to 52 vehicle trips per day (in/out) for each training held periodically throughout the year.

*Fundraisers:* Fundraisers for up to 60 guests and 10 event staff would occur four times periodically throughout the year. Considering that the proposed events a ratio of 1 car per 2.5 guests/event staff is anticipated. This would equate to an estimated 56 vehicle trips vehicle trips (in/out) per event.

In total, mediation and training are estimated to generate an estimated 35 vehicle trips on a weekday basis for mediation and 52 trips per day 3 times per month for trainings. Fundraising events are estimated to generate an estimated 56 vehicle trips on a quarterly basis.

Based upon the Level of Service A (meaning free flowing traffic) for the Brook Road and Marvin Way road segments, the potential addition of 35 weekday; 52 vehicle trips 3 times per month and 56 quarterly vehicle trips to the roadway system is not anticipated to reduce the Level of Service resulting from the project, despite a relative significant increase in traffic from current traffic volumes.

*Safety* – Concerns were also expressed that the Brook Road/Marvin Way “S” intersection may be a traffic safety issue with additional traffic being generated from the project. A records search of Traffic Accident Reports for the Brook Road/Marvin Way area was conducted by Public Works staff dating from 1996 to present. The conclusions of the research indicated that during the last 16 years there is one documented accident in the Brook Road/Marvin Way area whereby an individual overcorrected the S turn on Brook Road at Marvin Way and crashed into the rear wooden fence at 111 Channing Way.

## 7. Lighting

Concerns have been expressed about the additional lighting that will be installed on the property, particularly the parking lot.

As proposed, the applicant intends to install additional lighting at the project entryway, along the driveway, and in the parking lot and pedestrian paths leading from the parking lot and buildings. Existing lighting of the site consists of typical residential lighting located at the front and rear of the El Toyon house and second unit.

New four (4) foot high landscape lighting is proposed around the perimeter of the parking lot and pedestrian paths. The new lighting will be required to comply with the City of Auburn lighting standards for parking lots and pedestrian paths (i.e. 1 foot-candle for parking lots and 0.25 foot-candle for pedestrian paths).

In addition to the City's standard conditions of approval, the applicant has agreed to Condition of Approval 10(g) which requires that all new project lighting used around the parking lot in connection with the proposed mediation, training, and educational use of the estate shall be turned off within an hour of the end of the operating hours as listed in Planning Commission No. 5 (i.e. by 6:30 p.m. following mediations, 6:00 p.m. following mediation training, and 11:00 p.m. following fundraising events).

### Alternatives Available to Council; Implications of Alternatives

Upon receiving public testimony, the City Council may choose the following alternatives:

- A. After closing the public hearing, consider imposing additional conditions on the project, agreed to by the applicant or within the City's legal power to impose over the applicant's objections, which address concerns raised;
- B. Approve the appeal and adopt the attached resolution approving the project; or,
- C. Direct staff to prepare findings and a resolution by which the Council may deny the appeal, thereby concurring with the Planning Commission's decision to deny the El Toyon Institute proposal, and continue the item to a later meeting at which those findings and that resolution may be considered.

### Fiscal Impacts

Fiscal impacts related to the appeal may stem from further challenge from the appellant and /or other individuals and groups. However, in accordance with Condition of Approval A-12, the applicant shall defend, indemnify and hold harmless the City, from and against any claim resulting from the project.

The appellant has paid the \$100.00 fee for processing of the appeal request as well as the application fees for the General Plan Amendment, Rezone, Use Permit and Tree Permit.

**Additional Information**

- Exhibit A** – Project Conditions of Approval
- Exhibit B** – Planning Commission Minutes dated November 15, 2011
- Exhibit C** – Appeal Filed by Mr. Shawn Batsel dated On November 23, 2011
- Exhibit D** – Draft City Council Resolution for Approval of Appeal, Adoption of Environmental Document and Approval of General Plan Amendment, Rezone, Use Permit and Tree Permit
- Exhibit E** – Initial Study/Mitigated Negative Declaration containing the following Attachments:
  - Attachment 1** – Vicinity Map
  - Attachment 2** – Aerial Photograph
  - Attachment 3** – Zoning Map
  - Attachment 4** – Historic Resources Survey dated 1986
  - Attachment 5** – Site Plan
  - Attachment 6** – General Plan Amendment Exhibit
  - Attachment 7** – Rezoning Exhibit
  - Attachment 8** – Site Photographs
  - Attachment 9** – Applicant's Project Description
  - Attachment 10** – Tentative Lease Agreement
  - Attachment 11** – Arborist Report
- Exhibit F** – Mitigation Monitoring & Reporting Program
- Exhibit G** – Draft City Council Ordinance Rezoning Property Located at 211 Brook Road From Residential Single Family, Minimum Parcel Size 10,000 (R-1-10) to Open Space Conservation (OSC)
- Exhibit H** – Music Location Exhibit
- Exhibit I** – Correspondence Received At or Subsequent to November 15, 2011 Planning Commission Hearing Opposing/In Favor of Project
- Exhibit J** – Applicant's Counsel Correspondence dated June 29, 2012 with Attachments
- Exhibit K** – Project Plans dated June 11, 2011

**EXHIBIT ON FILE WITH THE CITY CLERK & PROVIDED  
TO CITY COUNCIL PREVIOUSLY UNDER SEPARATE COVER**

- Exhibit L** – November 15, 2011, Planning Commission Staff Report

**EXHIBIT ON FILE WITH THE CITY CLERK**

- Exhibit M** – Petition in Support of Mediation Center at 211 Brook Road

# EXHIBITS



## CITY COUNCIL RESOLUTION NO. 12-\_\_\_\_\_

### EL TOYON INSTITUTE, LLC., GENERAL PLAN AMENDMENT, REZONE, USE PERMIT AND TREE PERMIT (FILES# GPA 11-1; RE 11-1; UP 11-1 & TP 11-1)

---

(Additional Conditions of Approval are shown in Bold/Italic Text):

#### A. PLANNING:

1. The Mitigation Measures identified in the Mitigated Negative Declaration prepared for the project are attached and incorporated by reference into this document. All Mitigation Measures that apply to the project's impacts shall be considered Conditions of Approval of the project, as may be further refined or clarified by these Conditions of Approval. The Community Development Director shall monitor monitoring compliance with the Mitigation Measures, as specified in the Mitigation Monitoring and Reporting Program.
2. Prior to the approval of any permits or plans (e.g. improvement plans), the applicant shall file the Notice of Determination within 5 days and pay the applicable Department of Fish and Game fee for filing of the Notice of Determination with the Placer County Clerk Recorder's Office.
3. The approval date for this project is **July 9, 2012**. This project is approved for a period of two (2) years and shall expire on **July 9, 2014** unless the project has been effectuated or the applicant requests a time extension that is approved by the Auburn Planning Commission.
4. Prior to approval of improvement plans, the applicant shall provide evidence to the Community Development Department of their non-profit status, which shall be maintained commensurate with the non-profit use(s).
5. This project is approved for El Toyon, LLC, which shall be located as shown on the approved plans shown on **Exhibit K** and as described below. Minor modifications may be approved subject to review and approval by the Community Development Director. Any substantial revision to the use or any additions will require an amendment to the Use Permit approved by the Planning Commission.

*Mediation:* Mediations shall be limited to two mediations a day (8 people per session), operating week days between the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

*Mediation Training:* The existing garage conversion to a class room for *Mediation Training* is limited to 30 students. Class instruction shall be limited to 40 times during the year from 8:00 a.m. to 5:00 p.m. Thursday through Saturday. Instruction shall be limited to *Mediation Training*.

*Fundraising:* Fundraising Events shall be limited to 4 outdoor fundraising events per year for local non-profit and governmental projects only. Fundraising events shall be limited to a maximum number of 70 persons, including event staff. Events shall be limited to weekends (i.e. Friday night, Saturday or Sunday), with the event terminating at 10:00 p.m. All music sources shall be limited to the rear ¼ of the property as shown on **Attachment 4**.

6. At any time the Community Development Department finds that one or more grounds exist for revocation of the use permit, revocation proceedings may be initiated in accordance with applicable provisions of the City of Auburn Zoning Ordinance.
7. If at any time the Community Development Department finds that a parking problem exists due to the increased use of the off street parking or parking lot(s), the Community Development Department may require adjustments to be made in the use or hours of the project thereby reducing and/or alternating the parking demand/use of the availability of parking spaces for the project.
8. Landscape plans shall be provided with the building plans or improvement plans and shall include the following:
  - a. Not less than 3% of the gross area of the parking lot shall be provided as landscaping.
  - b. At least 5% of the gross area of the project shall be provided for landscaping.
  - c. The parking lot shall provide a minimum fifty percent (50%) canopy cover at maturity.
  - d. Perimeter tree plantings shall comply with the spacing requirements of the City's landscape ordinance (i.e. 20' on center).
  - e. At least 50% of the landscape plantings shall be provided as evergreen materials.
  - f. Irrigation and runoff from irrigation shall be prohibited within the protected area of all oak trees. The landscape plans shall be revised to provide and detail landscape work within the critical root zone of protected trees.
  - g. The number and type of tree(s) shall be reviewed and approved by the Community Development Department. Tree planting information shall be provided for approval by the City in conjunction with improvement plans.
  - h. The property owner shall be responsible for maintaining all site landscape materials in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA).
9. All exposed portions of the retaining walls shall be constructed consistent with the rockery walls on the property. Colors and materials shall be subject to the approval of the Director of Public Works and the Community Development Director.
10. Site lighting and photometric plans shall be included with the improvement plans and shall comply with the following standards:
  - a. New lighting shall be used around the parking lots and pedestrian paths with a maximum height of four (4) feet.
  - b. Project lighting shall comply with Sec. 150.151(A) of the Auburn Municipal Code with a minimum 1 foot candle for parking lots and 0.25 f.c. for pedestrian paths.

- c. Exterior lighting shall be designed and installed in a manner that will not direct light or glare onto adjoining properties and public streets.
  - d. Lighting details shall be provided for the freestanding lights and the wall packs.
  - e. Glare shields shall be installed to direct light downward as necessary.
  - f. All proposed exterior lighting (i.e. pole and wall mounted) shall be designed to match the light fixtures used on the property. Any proposed freestanding lighting shall be restricted to a maximum height of four (4') feet. Details shall be provided on improvement and/or construction plans. Glare shields shall be installed to direct light downward where necessary.
  - g. *All new project lighting used around the parking lot in connection with the proposed mediation, training, and educational use of the estate shall be turned off within one hour of the end of the operating hours as listed in Planning Commission No. 5 (i.e. by 6:30 p.m. following mediations, 6:00 p.m. following mediation training, and 11:00 p.m. following fundraising events.*
11. Any proposed signage shall be reviewed and approved by the Community Development Department prior to installation.
  12. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of these approvals, or the activities conducted pursuant to this [permit]. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of these approvals, or the activities conducted pursuant to these approvals, the applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
  13. *Two years from date of approval, the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission the city can proceed with revocation of the Use Permit.*
  14. *No later than 10 days prior to a fundraising event for an identified non-profit group the applicant shall provide a notice of the date and time of the scheduled event. The notice shall be posted on the El Toyon Institute website, and shall be provided via e-mail to interested parties that have provided e-mail addresses to the applicant, and by e-mail to the Community Development Department.*

15. *The applicant agrees that this permit shall not run with the land. The applicant agrees that the permit is valid so long as El Toyon Institute is owned and managed by Teresa Batsel, Henry Batsel, or a member of Teresa or Henry's immediate family (e.g. daughter, son, or nephew (Shawn Batsel). If El Toyon Institute or the property is transferred to a non-family member third party, the permit shall immediately terminate.*
16. *El Toyon is an estate residence of historical significance to the City and region, and retention of residential uses associated with the site is important to the community. The rezoning to OSC expands the use of the residence for charitable and educational purposes (as enumerated herein), but does not in any way limit the owners ongoing right to use the property for residential purposes.*

**B. PUBLIC WORKS DEPARTMENT CONDITIONS:**

1. All improvements shall be designed and constructed to current City of Auburn Standards.
2. The applicant shall record, with the Placer County Recorders Office, a boundary line adjustment approved by the Public Works Department. The boundary line adjustment will re-configure property between property identified as 207 & 211 Brook Road. Recorded documentation shall be provided to the Public Works Department prior to the issuance of a building permit.
3. Grading/improvement/building plans shall identify all protected trees six-inches (6") in diameter at breast height or larger. In addition, plans shall show the following information:
  - a. Location of each protected tree and limits of the critical root zone (CRZ). Each protected tree shall be identified using the tree number from the Arborist Report.
  - b. All areas disturbed by grading and/or construction (e.g. building foundations, decks, trenches).
  - c. Building elevations shall be provided for those buildings that encroach within the dripline of protected trees.
  - d. Retaining walls, aeration systems, or other information related to each protected tree.
  - e. A fencing plan illustrating the placement of protective tree fencing at the limits of the CRC.
  - f. Signs shall be provided on tree fencing identifying protected trees.

**Grading:**

4. The applicant shall submit and obtain approval of a grading plan, which contains the requirements of Title XV, Chapter 155 of the Auburn Municipal Code. Grading will not be permitted prior to approval of the grading plan and issuance of a grading permit. Securities for grading, erosion control, winterization operations and site restoration and any necessary inspection fees shall be posted prior to permit issuance.
5. With submittal of the improvement plans and prior to their approval, a geotechnical report shall be required which shall determine site soil characteristics and provide design parameters. The geotechnical investigation shall look for the possible presence of asbestos

bearing rock on the site. In addition a subsurface geotechnical investigation including soil testing shall be conducted to determine if liquefaction is a problem. If a problem is identified, mitigation measures could include:

- a. Avoidance of specific areas
  - b. Use of appropriate foundation types
  - c. Over excavation of loose soil and re-compaction under controlled conditions.
6. An erosion and sediment control plan shall accompany the grading plan and shall include, but not be limited to, the following:
- a. Grading and related soil disturbance activities, including vegetative clearance, that will occur between May 1 through October 15 of each year.
  - b. All disturbed soil surfaces, including graded areas, cuts and fills, shall be stabilized and re-vegetated before October 15 of each year.
  - c. Sediment traps and catchment basins shall be installed prior to October 15 of each year.
  - d. Drainage and storm water runoff control systems and their components shall be designed to fit the hydraulic conditions of the full development and have full flow capacity plus an adequate factor of safety.
  - e. Drainage and storm water runoff control systems and their components shall be designed and constructed to minimize erosion.
  - f. Slopes shall be protected from concentrated runoff and sheet flow originating from the proposed development area.
  - g. Cut slopes in rock shall be over-excavated by three (3) feet, benched, backfilled with topsoil and re-vegetated for erosion protection.
  - h. Straw bale dikes or filter fabric barriers shall be located downslope of all disturbed areas. These barriers shall be constructed prior to any site grading and shall remain in place and be maintained until the project landscaping or other improvements are established.
  - i. Topsoil may be stockpiled on site and reused for landscaped areas. Stockpiles shall be stabilized during the rainy season (October 15 to May 1) in accordance with the aforementioned criteria.
7. Dust control specifications shall be included on the improvement plans to minimize dust nuisance during construction. Dust control measures shall be developed to take into account the possible presence of asbestos bearing rock formations and the measures necessary to deal with this type of dust.
8. If artifacts, exotic rock or unusual amounts of shell or bone are uncovered during the construction of any improvements, work shall stop in that area immediately and a qualified cultural resource specialist shall be contracted to evaluate the deposit. If bone is found that may be human, state law requires the same actions plus notifying the County Coroner and the Native American Heritage Commission, Sacramento.
9. All construction activities shall be limited to the hours as allowed by Title IX, Chapter 93 of the Auburn Municipal Code as follows:

- a. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit shall occur only during the following hours:
    - i. Monday through Friday: 7:00 a.m. to 6:00 p.m. for the period of June 1 through September 30 of each year, the permissible hours for masonry and roofing work shall be from 6:00 a.m. to 6:00 p.m.;
    - ii. Saturdays: 9:00 a.m. to 5:00 p.m.;
  - b. Sundays and observed holidays: 10:00 a.m. to 6:00 p.m.
    - i. Any noise from the above activities, including from any equipment, shall not produce noise levels in excess of the following:
    - ii. Saturdays: 80 dba when measured at a distance of twenty-five (25') feet;
    - iii. Sundays and observed holidays: 70 dba when measured at a distance of twenty-five (25') feet.
  - c. The Building Official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit issued by the Building Official shall be of specified limited duration and shall be subject to any conditions necessary to limit or minimize the effect of any noise.
10. Prior to any work within the City right-of-way, an Encroachment permit shall be obtained from the City of Auburn Public Works Department.
  11. The applicant shall re-vegetate cut and fill areas as soon as possible using native seed mixes and compatible plantings as specified by the Public Works Department and the Soil Conservation Service.
  12. The applicant shall conduct all soil stabilization activities pursuant to Public Works Department and Soil Conservation Service practices and techniques. Stabilization details shall be shown on the improvement plans for temporary and permanent conditions.
  13. The proposed contour information submitted with the project plans is not approved at this time. The final slopes and grades will be reviewed with the improvement plans.
  14. All trees over six-inches (6") in diameter at breast height, located within 50 feet of proposed improvements, shall be accurately located on the final improvement plans. The Public Works Department will review the proposed improvement plans in detail for conformance with the tree ordinance. For trees to be saved, the following shall be shown on the improvement plans:
    - a. Location of tree trunk and outer limits of tree drip line.
    - b. Proximity of grading to tree drip line.

- c. Specific, detailed drawing for wells, retaining walls, or aeration systems to be installed for each tree.
  - d. Placement of temporary fencing around the drip lines of protected trees. Fencing shall be brightly colored to prevent equipment from operating or being stored in these areas.
- 15. Any retaining walls necessary as a part of the site grading, excluding those that are a part of or are influenced by a structure, shall have designs and calculations prepared and submitted as a part of the grading plan submittal. Said walls shall be reviewed and approved by the Public Works Department.
- 16. The developer shall submit a Storm Water Construction Notice of Intent (NOI) for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities, with the California Regional Water Quality Control Board, Central Valley Region prior to issuance of the Grading Permit.
- 17. Best Management Practices (BMPs) approved by the City of Auburn Department of Public Works shall be installed prior to surface-disturbing activities for the control of erosion and capture of petroleum products and debris prior to runoff entering the storm-drain system. These may include, but are not limited to; placement of straw bale sediment barriers in areas prone to erosion and around all downstream inlets to the storm drain system; construction of silt fencing in areas of concentrated runoff and construction of earthen berms at the top of cut slopes:
  - a. The project developer shall obtain a National Pollutant Discharge Elimination System (NPDES) permit and appropriate water quality certification from the Regional Water Quality Control Board. As a requirement of the NPDES permit, the developer shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction. BMPs that may be included in the SWPPP include, but are not limited to:
    - i. Scheduling materials deliveries to provide for minimal onsite storage and/or providing covered storage for materials wherever practical;
    - ii. Designating specific areas for overnight equipment storage and maintenance and providing runoff control around those areas to minimize the potential for runoff to contact spilled materials;
    - iii. Establishing procedures for daily work site cleanup and prepare and implement a Spill Mitigation Plan for construction-related activities;
    - iv. Developing a program of site inspections to ensure that BMPs are consistently implemented and effective;
    - v. Conducting visual monitoring of runoff quality at selected monitoring points; Placing fiber rolls (wattles) around drain inlets to prevent sediment and construction-related debris from entering the inlets;
    - vi. Placing fiber rolls (wattles) along the perimeter of the site to reduce runoff flow velocities and prevent sediment from leaving the site;
    - vii. Placing silt fences down gradient of disturbed areas to slow down runoff and retain sediment.

18. The applicant shall prepare a post-construction Stormwater Management Plan (SWMP) in accordance with the NPDES Phase II Rule and the City of Auburn Storm Water Management Program. BMPs will be included in the plan, as well as a mitigation monitoring program to ensure long-term success of the BMPs. BMPs incorporated into the SWMP may include, but are not limited to the following:
  - a. Litter control and solid waste management;
  - b. Incorporation of runoff filtering landscaping into the project design;
  - c. Development and implementation of a storm drain maintenance program.

**Streets:**

19. The applicant shall be responsible for repairing any damage to the existing City roadways as a result of the construction activities associated with this project.
20. Prior to issuance of building permits, improvement plans and cost estimates shall be submitted to the Public Works Department for review and approval. Security shall be posted for the Grading Permit as specified in Title XV, Chapter 155.
21. All curbing on the project shall be 6-inch barrier type curb.

**Onsite Parking Areas**

22. Pavement for loading areas and other areas subject to truck traffic shall have a minimum structural section of 3-inches asphalt concrete over 8-inches of aggregate base. The parking lot shall have a minimum structural section of 2-inches of asphalt concrete over 6-inches of aggregate base. The actual pavement section shall be based on the R-value method of design for pavement structural sections. These standards shall be indicated on the improvement plans prior to their review and approval by the Public Works Department.
23. The applicant shall submit improvement plans for the completion of all on-site parking areas and site improvements.

**Storm Drainage:**

24. Concurrently with the submittal of the improvement plans, the applicant shall provide a final drainage analysis, in accordance with the Placer County Flood Control and Water Conservation Districts Stormwater Management Manual which determines increases in runoff resulting from a 100 year storm and a 10 year storm. Post development storm water runoff shall not exceed predevelopment runoff conditions. Any increased runoff shall be mitigated as required by the Public Works Department.
25. If a storm water detention basin(s) is required the following measures shall be implemented subject to the approval of the Public Works Department:
  - a. Construct siltation basins or sediment fences at the appropriate locations to capture

sediment discharged from the site during construction. If any detention basins are established in non-wetland settings they should serve as temporary sedimentation basins. These measures shall be constructed prior to any upstream grading activity and should remain in place until the area is stable.

- b. The velocity of concentrated storm flows from impervious surfaces should be reduced by the use of energy dissipaters. These structures should be placed so that the velocity reduction occurs before the water enters the wetland areas.
  - c. Sediment, grease and oil traps should be placed at the inlets to the projects piped drainage system. The design and placement of the traps should be performed by a qualified engineer with demonstrated experience in the design of Storm Drainage Best Management Practices. The placement of the traps should be such that drainage from large paved areas is intercepted prior to discharge to the natural on-site or off-site drainage systems. These BMP's shall be subject to Public Works Department approval.
- 26. On site storm drainage systems shall be private. The maintenance of the onsite system shall be the responsibility of the property owner.
  - 27. The applicant shall be responsible for acquisition of all storm drain easements from adjacent property owners, which are required for the construction and maintenance of perimeter and off-site drainage improvements.
  - 28. The drainage plan shall include ditches or swales as required by the Public Works Department to minimize cross lot drainage.
  - 29. The perimeter of the development shall be protected against surface runoff from adjacent properties in a manner acceptable to the Public Works Department.
  - 30. The applicant shall use Best Management Practices (BMP's) for the capture of oil and petroleum products from the parking areas. These BMP's shall be subject to Public Works Department approval.

**Sanitary Sewer:**

- 31. The applicant shall verify the capacity and competency of the existing sewer laterals, sewer lines and manholes. If manholes or sewer lines are not acceptable, upgrades and/or sewer repairs shall be required by the applicant to the satisfaction of the Public Works Department.
- 32. Prior to the issuance of a building permit the capacity of the sanitary sewer collection system and treatment plant shall be reviewed and approved by the Department of Public Works.
- 33. The applicant shall pay the appropriate sewer fees as required by Title V, Chapter 52 of the Auburn Municipal Code, prior to the issuance of building permits.

**General:**

34. Improvement plans and cost estimates shall be submitted to the Public Works Department for review and approval. Security shall be posted for the Grading Permit as specified in Title XV, Chapter 155.
35. Prior to issuance of a grading permit the developer shall provide, to Public Works, will-serve letters from applicable agencies and comply with their requirements:
36. All improvements shall be designed and constructed to current City of Auburn Standards.
37. The applicant, at his sole expense, shall repair existing public and private facilities damaged during the course of construction to the satisfaction of the Public Works Department.
38. At the time of submittal of the original Site Improvement Plan As-built drawings for the project a digital copy of the plan set shall be submitted to the Public Works Department. The electronic version shall be in an AutoCAD drawing format and PDF format.
39. The applicant shall require construction contractors and subcontractors to reduce construction waste by source separating construction materials onsite for recycling or require that all construction debris be delivered to the Placer County Western Regional Materials Recovery Facility where recyclable material will be removed.

**C. FIRE DEPARTMENT CONDITIONS:**

**Plan Submittal and Permit:**

1. Plans shall be submitted to the fire department for approval prior to any work on the project.
2. All applicable fire department fees and permits are to be paid in full as a condition of approval.

**Access to Structures:**

3. Access roadways shall extend to within 150 feet of all portions of the exterior walls of the first story of the structure.
4. Fire access roads shall be designed to provide an all weather driving surface. The access road shall be constructed to the following requirements subject to the approval of the Public Works Department:
  - a. Grades shall not exceed 15% except upon review and approval by the Fire and Public Works Departments.

- b. Fire access roads shall be a minimum of 26 feet with no parking. Signage shall be provided as applicable which may include posted signs and or red curbing.
- c. At least 15 ft. of vertical nominal clearance shall be provided over the full width of the roads, driveways, and other means of vehicular access.
- d. A fire access that exceeds 150 feet shall provide a turnaround for fire apparatus. The turnaround shall be designed and located to the satisfaction of the Fire Department and shall be in service during construction.

**Parking/Fire Lanes:**

- 5. No parking is permitted on roadways used for emergency access when the road is 26' wide or less.
- 6. "No Parking" signs or other designation indicating that parking is prohibited shall be provided at all fire lanes and roads used for fire access.
- 7. All improvements, including paving and maintenance of restricted access ways, shall be performed to the satisfaction of the Fire Department and the Director of Public Works. Access shall be continuously maintained during the building construction period and required fire lanes shall be maintained in an unobstructed manner and subject to inspection by the Fire Department.

**Signs and Premises Identification:**

- 8. Premise identification for new buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Commercial and Multi-residential buildings are to have 12" address numbers posted on the frontage side of the building and will require the numbers to contrast with their background.
- 9. Address numbers shall be Arabic numerals.

**Fire Department Rapid Entry System:**

- 10. Structures required to have a fire alarm system, standpipe or sprinkler systems shall provide a public safety keybox system for fire department use. The keybox shall contain keys for emergency access, alarm box, fire alarm room, electric rooms, and any other key necessary for emergency entry.
- 11. To obtain local fire department authorization to purchase a "Key Box" the property owner or his/her authorized representative shall request the necessary order form from the fire department. The property owner shall install the keybox at a pre-approved location on the premises.

**Fire Extinguishers:**

12. Fire extinguishers shall be provided for the protection of the building structure and the occupancy hazards within. Fire extinguishers shall be provided in accordance with the applicable fire code.

**Water Supply:**

13. An approved water supply capable of supplying the required fire flow shall be provided to all buildings or portions of buildings hereafter constructed and become occupied.
14. Fire hydrants shall be provided to deliver the water supply in accordance with the applicable fire code.
15. Water flow information shall be verified through Placer County Water Agency. Water supply mains for fire protection systems shall be installed in accordance with the requirements of the Placer County Water Agency.

**Fire Flow Requirements:**

16. Minimum fire flow requirements shall be in accordance with the Fire Code.

**Fire Hydrant:**

17. Fire Hydrants shall comply with the following standards:
  - a. Hydrant spacing shall be in accordance with the Fire Code.
  - b. When access, fire lanes, or cul-de-sac depth exceed 450 feet (450'), hydrants shall be required mid-depth.
  - c. Hydrants shall be clearly identified with a blue reflective marker located 6 to 8 inches (6" to 8") from center of street or road way toward hydrant.
  - d. Curbing in front of hydrants shall be painted red 7 feet 6 inches (7'-6") on each side of hydrant.
  - e. Hydrant standards and installation shall be as required by Placer County Water Agency (PCWA).

**Fire Sprinkler System:**

18. Automatic fire extinguishing systems shall be required when any commercial or multi-residential structure exceeds 3,600 square feet of total floor area. Approved automatic sprinkler systems shall be as set forth in NFPA 13, NFPA 13D, NFPA 13R, or other NFPA Publications as applicable.

**Fire Department Connection (FDC) - (Fire sprinkler system):**

19. Fire Department Connection (FDC) shall be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects, including buildings, fences, post or other Fire Department Connections.
20. Hose connections shall be equipped with standard caps, properly secured and arranged for easy removal. Fire Department Connection shall be no more than 40 feet (40') from a fire hydrant. Additional fire hydrants may be required depending on the location of the fire department connection for the building.

**Fire Alarm System:**

21. Every automatic fire sprinkler system shall be equipped with an alarm system. The system shall consist of a water flow switch, valve tampering switch(s), audible warning device(s) and supervised by a central fire alarm station. Based on occupancy, additional alarm devices/systems may be required to provide audible and visual warning, manual activations, and smoke and heat detection.
22. An occupancy exceeding 1500 square feet and not protected by an automatic fire sprinkler system shall have an alarm system installed. This may include: smoke/heat detection, manual pull stations, audible warning device(s), and must be supervised by a central fire alarm station.

**Fire Protection During Construction:**

23. Fire department vehicular access to all structures under construction shall be provided at all times. In areas where ground surfaces are soft or likely to become soft, hard all-weather surface access roads shall be provided.
24. The fire protection water supply system, including fire hydrants, shall be installed and in service prior to placing combustible building materials for structures or combustible pre-tested fabricated building assemblies on the project site or utilizing them in the construction of building structures. If phased construction is planned, coordinated installation of the fire protection water system is permitted. Trash and debris shall be removed from the construction site as often as necessary to maintain a fire safe construction site.
25. Flammable or combustible liquids shall be stored, handled, or used on the construction site in accordance with the applicable provisions of the fire code.
26. At least one portable fire extinguisher having a rating of at least 4-A, 30-BC shall be within a travel distance of 75 ft. or less to any point of a structure under construction. Personnel normally on the construction site shall be instructed in the use of the fire extinguishers provided.

27. Buildings and structures constructed in Fire Hazard Severity Zones shall, in addition to the requirements of the California Building Code, be required to meet additional requirements as set forth by the Fire Department.

**Vegetation management plan:**

28. A fuel modification plan shall show conceptually the areas of fuel modification necessary to achieve an acceptable level of risk regarding exposure of structures to combustible vegetation. The plan shall be approved by the Fire Department based on criteria as set forth in fuel modification guidelines for fire hazard severity zones.

**D. TREE PERMIT (FILE # TP 11-2)**

**General Conditions:**

1. The Community Development Director may authorize revisions to the tree permit (including tree removal) to account for adjustments to utilities, realignment of improvements, etc. All protected trees approved for removal shall be subject to the mitigation requirements of the Auburn Tree Ordinance and recommendations of the Arborist Report including the paving and aeration measures.
2. The developer shall be responsible for removing all trees recommended for removal by the arborist.
3. Mitigation trees shall be provided with the intent to reflect the character of the site prior to development. Native trees are the preferred mitigation tree; however, site appropriate non-native trees are permitted as mitigation.

**Grading/Improvement Plan Review:**

4. The developer shall work with the project arborist and staff during the preparation of the improvement plans to identify arborist recommended modifications to the plans that will provide or improve tree preservation.
5. The developer shall be required to provide mitigation for all protected trees (with a rating of "2" or greater) that will be removed or impacted as a result of the construction improvements for the project. The mitigation requirement shall be determined using the standards outlined in the Auburn Tree Ordinance. Mitigation may be provided through on-site replanting and/or the payment of in-lieu mitigation fees.
6. Grading/improvement shall identify all protected trees that are located within 50' of all proposed improvements and that are six-inches (6") in diameter or larger at breast height. In addition, plans shall show the following information:
  - a. Location of each protected tree and limits of the critical root zone (CRZ). Each protected tree shall be identified using the tree number from the Arborist Report.

- b. All areas disturbed by grading and/or construction.
  - c. Retaining walls, aeration systems, or other information related to each protected tree.
  - d. A fencing plan illustrating the placement of protective tree fencing at the limits of the CRZ.
  - e. Signs shall be provided on tree fencing identifying protected trees.
7. An Arborist Report shall be completed by a Certified Arborist and submitted with the grading/improvement plans. The report shall include the following information:
- a. A tree site map;
  - b. Tree numbers;
  - c. Common and botanical name of the tree;
  - d. Diameter at breast height (dbh) measurement;
  - e. Largest dripline radius;
  - f. Number of stems/trunks (including size);
  - g. The diameter of the Critical Root Zone (largest dripline radius + 1');
  - h. The condition rating (0 – 5) of each tree. Rating is subjective, with Condition = Health and Structure (per the national standard utilized by the Council of Tree & Landscape Appraisers and the International Society of Arboriculture (ISA)). On a numeric scale with 5 being the highest and to zero being the worst condition, utilize the following scale:
- |                        |        |                     |
|------------------------|--------|---------------------|
| No problem             | 5      | excellent           |
| No apparent problem(s) | 4      | good                |
| Minor problem(s)       | 3      | fair                |
| Major problem(s)       | 2      | poor                |
| Extreme problem(s)     | 0 or 1 | dead &/or dangerous |
- A rating of "5" indicates no apparent problems found having done a root-collar inspection and/or climbing the tree to inspect the trunks and major limbs.
- i. A summary of the anticipated impacts to each tree and all recommended actions for preservation of each tree. This shall include the critical root zone, exclusionary fencing, watering details (during and after construction), chemical dumping and washing of construction tools, mulching, grade changes, excavating/trenching, pruning, signage, and best landscaping and arboricultural practices. The "recommended action" shall be prescribed to protect as many of the trees that are rated 3-5. Trees rated 0-2 shall also be tagged, plotted on the Tree Site Map, and noted in the Arborist Report, but shall not count as a tree to be saved and may be slated for removal.
8. The developer shall comply with the arborist's recommended measures identified in the arborist report.

9. In order to minimize damage to adjacent trees, work conducted to remove trees, when adjacent to other trees that will remain, shall be conducted by, or under the direct supervision of, a certified arborist.
10. The project shall provide protective fencing around all protected trees consistent with the following requirements:
  - a. **Type of fencing.** A minimum four (4') foot high chain link fence, plastic mesh fence, or substitute fence approved by the Director, shall be installed at the outermost edge of the critical root zone of each protected tree or group of protected trees. The developer may submit a request in writing to the Director to modify or waive the fencing requirement. Said request shall include a letter detailing the nature of the request and any plans necessary to clearly illustrate proposed changes to fencing plans.
  - b. **Fence installation.** Required fencing shall be installed in accordance with the approved fencing plan prior to the issuance of any grading or construction permits. The required fencing shall be inspected by the Department and/or the Engineering Division.
  - c. **Signing.** A minimum of one sign shall be installed on the fence around each individual protected tree. Signs placed on fencing around a grove of Protected Trees shall be placed at approximately fifty foot (50') intervals. The size of each sign must be a minimum of eight and one half inches (8.5") by eleven inches (11") and must contain the following language:

DO NOT REMOVE SIGN OR FENCE  
WITHOUT APPROVAL FROM THE  
COMMUNITY DEVELOPMENT DEPARTMENT  
CALL (530) 823-4211 FOR INFORMATION

- d. **Fence removal.** Once approval has been obtained, protective fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Community Development Department.
11. Planting live material under native oak trees is generally discouraged, and it will not be permitted within six (6) feet of the trunk of a native oak tree with a diameter at breast height (DBH) of eighteen (18) inches or less, or within ten (10) feet of the trunk of a native oak tree with a DBH of more than eighteen (18) inches. Only drought tolerant plants will be permitted within the Critical Root Zone of native oak trees.
12. Prior to the removal of any trees, there shall be an on-site pre-construction meeting with the developer, general contractor, excavation contractor, project arborist, and representatives from the City to discuss development activities and tree preservation requirements.
13. A surety shall be posted and maintained to insure the preservation of all protected trees during construction. The amount of the surety shall be equal to \$100 per inch of protected tree preserved on a project site, to a maximum of \$10,000. The deposit shall be posted in a

form approved by the Director and the Finance Department prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any condition of approval relating to tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the Planning Commission.

14. The project arborist shall provide a letter to the Community Development Department certifying that the developer has complied with all of the tree preservation measures required by the conditions of this project.

#### **E. AIR QUALITY**

1. The following notes shall be incorporated into the improvement plans/grading plans for the project:
  - a. The contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud and debris, and shall "wet broom" the streets (or use another method to control dust as approved by the individual jurisdiction), if silt, dirt, mud or debris is carried over to adjacent public thoroughfares.
  - b. In order to minimize wind driven dust during construction, the contractor shall apply methods such as surface stabilization, establishment of a vegetation cover, or paving.
  - c. The contractor shall suspend all grading operations when wind speeds are excessive and dust is impacting adjacent properties.
  - d. The contractor shall apply water or use other methods to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off site.
  - e. Wood burning or pellet appliances shall not be permitted. Only natural gas or propane fired fireplace appliances are permitted. These appliances shall be clearly delineated on the floor plans submitted.

#### **F. MITIGATION MEASURES (As Outlined in the Mitigation Monitoring & Reporting Program):**

##### **Biological Resources:**

1. The applicant shall install an aeration system under new pavement within the critical root zone. The aeration system will consist of 4 inches perforated Schedule 80 pipe installed on 6 foot centers, radiating out in the critical root zone and day-lighting behind the rock wall at the edge of paving. The perforated pipe shall be installed in shallow trenches (approximately 6 inches deep x 6 inches wide) with 2 inches of  $\frac{3}{4}$  clean crush gravel in the bottom of the trench for the pipe bed. After the perforated pipe is installed, cover the aeration zone with a permeable geo-textile. A layer of  $\frac{3}{4}$  inch clean crush gravel over the textile forms the base for the asphalt and allows for the distribution of air under the paving.

2. Implement soils remediation by first removing approximately 1,000 square feet of old asphalt paving on the west and southwest side of tree. Quantify the conditions of the soil in the remediation area by measuring limiting factors (e.g. bulk density, percolation rate, organic matter content) before and after remedial action.
  - a. Measure soil bulk density, organic matter, and percolation rates in several locations to identify the extent and depth of soil structure under the old asphalt. Excavate test trenches in the remediation area to measure the extent of existing fine roots. Consider using pneumatic excavation tools for trenching.
  - b. Based on the above tests, cultivate the soil in the remediation area to the appropriate depth. Avoid deep cultivation where there are fine roots concentrated.
  - c. In the remediation area, incorporate organic matter during cultivation and mulching. It reduces bulk density and improves soil structure. Natural leaf and twig litter gathered from the nearby oak woodland on the property is highly favorable organic matter for cultivation and mulch cover. Maintain a mulch layer 3-5 inches thick over the remediation area.

**On-site Parking:**

3. ~~Prior to the first Fundraising Event, the applicant shall revise the site plan to provide a minimum of 5 parallel parking spaces along the driveway. Parallel parking spaces shall have a minimum dimension of 8 feet in width and 22 feet in length. The site plan shall be submitted for review and approved to the satisfaction of the Community Development Department prior to the first Fundraising Event.~~

~~Alternatively, the applicant shall:~~

*Applicant shall be responsible to ensure that those not participating in the ridesharing program shall park their vehicles on-site. No parking shall be permitted upon the public streets.*

4. Prior to the first Fundraising Event *and/or Mediation Training*, the applicant shall submit for review and approval a Ride Sharing Program. The Ridesharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and fro fundraising events. The parking lot site shall be on private property. The Ridesharing Program shall be approved by the Community Development Department prior to the first Fundraising Event *and/or Mediation Training*.

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING**

**November 15, 2011**

The regular session of the Auburn City Planning Commission was called to order on November 15, 2011 at 6:00 p.m. by Chairman Snyder in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Spokely, Vitas, Young & Snyder

**COMMISSIONERS ABSENT:** Worthington

**STAFF PRESENT:** Will Wong, Community Development Director  
Lance E. Lowe, AICP, Associate Planner

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. APPROVAL OF MINUTES**

January 18, 2011  
May 3, 2011

- IV. PUBLIC COMMENT**

None

- V. PUBLIC HEARING ITEMS**

- A. REZONE – 461 GRASS VALLEY HIGHWAY (H&R BLOCK) – FILES # RE 11-11.** The applicant requests approval of a Rezone for a ±1.2 acre office complex located at 461 Grass Valley Highway. A Rezone is proposed from the Office Business (OB) Zone to a Regional Commercial (C-3) Zone, which would allow additional uses to be located within the office complex.

Planner Lowe gave the staff report, summarizing the project and additional uses that could be located in the office complex should the Re-zone be approved by the City Council.

The public hearing was opened with no parties wishing to speak.

Commissioner Spokely asked if a business license is requested for a retail use would parking be reviewed at that time?

Planner Lowe responded that parking would not be reviewed because the City's parking standards do not vary by use. Retail businesses and professional offices are both commercial uses and require the same parking standards.

Commissioner Vitas asked if an auto body or repair shop wanted to occupy a tenant space would they be allowed?

Planner Lowe responded that such a use would require a Use Permit to be approved by the Planning Commission. Findings for approval of a use permit are whether or not the use is compatible with the neighborhood. Additionally, environmental review would be conducted to ascertain the environmental impacts related to the proposed use.

Commissioner Spokely asked about by right uses that are permitted in the zone.

Planner Lowe replied that an auto body or repair shop is not a by right use in the zone and is a discretionary use that could be denied if the Planning Commission concluded, at a public hearing, that the use was either incompatible or would have environmental impacts to the neighborhood.

Commissioner Vitas **MOVED** to recommend that the City Council approve the Rezone as proposed.

Commissioner Spokely **SECONDED** the motion.

AYES:	Spokely, Vitas, Young & Snyder
NOES:	None
ABSTAIN:	None
ABSENT:	Worthington

The motion was approved

- B. GENERAL PLAN AMENDMENT, REZONE, USE PERMIT & TREE PERMIT - 209, 211 & 215 BROOK ROAD (EL TOYON INSTITUTE, LLC.) - FILES # GPA 11-1; RE 11-1; UP 11-1 & TP 11-1.** The applicant requests approval of a General Plan Amendment, Rezone, Use Permit, and Tree Permit. The GPA would change the land use from Urban Low Density Residential (ULDR) to Open Space (OS) and change the zoning from Residential, Single-Family, minimum parcel size of 10,000 square feet to Open Space Conservation (OSC). The Use Permit would allow for mediation, training and fundraising events in the Open Space Conservation (OSC) Zone. A tree permit is required as the amount of encroachment exceeds 20% of the trees' protected area.

Planner Lowe gave the staff report, summarizing the General Plan Amendment, Rezone, Use Permit and Tree Permit for El Toyon, LLC.

The General Plan is proposed to be amended from Urban Low Density Residential (ULDR) to Open Space (OS).

A Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) is also proposed. In the Open Space Conservation (OSC) zone, "Charitable, Research, and Philanthropic Institutions" and "Unique privately-owned facilities and historic sites" are permitted with approval of a Use Permit in accordance with *Section 159.405 et seq.* of the Auburn Zoning Ordinance.

The proposed use permit includes, and is limited to, the following uses:

*Mediation:* Mediations shall be limited to two mediations a day (8 people per session), operating week days between the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

*Mediation Training:* The existing garage conversion to a class room for *Mediation Training* is limited to 30 students. Class instruction shall be limited to 40 times during the year from 8:00 a.m. to 5:00 p.m. Thursday through Saturday. Instruction shall be limited to *Mediation Training*.

*Fundraising:* Fundraising Events shall be limited to 4 outdoor fundraising events per year for local non-profit and governmental projects only. Fundraising events shall be limited to a maximum number of 70 persons, including event staff. Events shall be limited to weekends (i.e. Friday night, Saturday), with the event terminating at 10:00 p.m. All music sources shall be limited to the rear ¼ of the property.

A tree permit is required for any regulated activity within the critical root zone of a protected tree where the encroachment exceeds 20% of the critical root zone, or where the regulated activity is related to a discretionary permit.

Planner Lowe described the improvements that would be undertaken to accommodate the proposed above uses, including access, parking, drainage, lighting and landscaping.

Planner Lowe discussed the proposed environmental issues including Biological Resources and Parking. Mitigation Measures have been imposed to reduce potential impacts on Biological Resources and Parking.

Planner Lowe also discussed the consistency with the General Plan and Zoning. The project is preserving a ±2 acre property that has a house which is a locally recognized and nationally designated historic property in the City. The project is consistent with the General Plan policies, goals and objectives for preservation of open space and historic properties.

Chairman Snyder clarified that all items being considered before the Planning Commission tonight will have to go before the City Council at a later date.

Planner Lowe replied that both legislative and discretionary actions are being considered tonight and will require City Council approval.

Commissioner Young asked about Open Space and Open Space Conservation (OSC) zoning and what may be conducted on the property.

Planner Lowe replied that if the use permit was approved, the use permit would allow for mediation, mediation training, and fundraising as described in the project description and conditions of approval.

Commissioner Young asked about sale of the property and status of the use permit.

Planner Lowe replied that the use permit would run with the land and any subsequent owner would have right to uses permitted by right in the Open Space Conservation Zone and uses prescribed in the use permit. No other uses are permitted.

Commissioner Vitas asked about the existing zoning and what could be done with the existing zoning.

Planner Lowe responded that based upon the property(s) size alone additional homes could be constructed on the site; however, the historic landmark on the property would have to be considered.

Chairman Snyder asked about a Planned Unit Development for the property.

Planner Lowe replied that a Planned Unit Development could be considered along with a Tentative Subdivision Map and that protection of the house and clustering of dwellings could be a consideration.

Commissioner Spokely asked about the Open Space General Plan designation and Open Space Conservation Zone and purpose of those uses.

Planner Lowe replied that the Open Space General Plan designation and Open Space Conservation Zone are for the purpose of preserving open spaces and the protection of human and his or her artifacts (buildings, property, and the like).

Commissioner Spokely asked why only 1 of the 3 parcels are being proposed for the general plan amendment and rezone to open space.

Planner Lowe replied that the historic house is located on the open space property and staff did not have any issue with leaving the other two properties residential.

One property is undeveloped and the other property is proposed to contain a parking lot.

Commissioner Spokely asked about the multifamily property to the south of the applicant's property. Was that a Planned Unit Development?

Director Wong replied that a Planned Unit Development was approved for the multifamily dwellings to the south.

Commissioner Spokely asked about requirements that no loud sources are permitted on the property and noted that the environmental review stated that no loud noise sources would be allowed.

Planner Lowe replied that condition of approval No. 5 limited the events to the weekends, with the event terminating at 10:00 p.m. and limited music to the rear ¼ of the property.

Commissioner Spokely noted that the parking lot would be treated with BMP's to assure stormwater quality.

Commissioner Spokely asked about whether or not painting of the exterior building would require Historic Design Review Commission approval considering the structure is a designated Historic Site.

Commissioner Spokely asked if El Toyon was a non-profit organization?

Planner Lowe replied that the applicant Shawn Batsel provided information to staff confirming El Toyon's non-profit status.

Planner Lowe replied that the property is not located within the City's Historical District and would not be subject to the City's Historic Design Guidelines.

Chairman Snyder noted that other requirements are in place because the property has been listed as a National Historic Landmark.

Chairman Snyder asked about the property with the proposed parking lot. Why is the parking lot property not proposed to be changed to Open Space and Open Space Conservation?

Planner Lowe referred the question to the applicant.

Chairman Snyder asked about the permitted uses in the Open Space Conservation (OSC) Zone. How does this qualify as a permitted use pursuant to "Charitable, Research and Philanthropic Institutions and Unique privately-owned facilities and historic sites?"

Chairman Snyder noted that the site is unique privately owned and has a historic house on the property, but questioned how the proposed uses of mediation, mediation training and fundraising qualify as "Charitable, Research and Philanthropic Institutions"? Fundraising seems to qualify but how does mediation and mediation training qualify?

Planner Lowe replied that the applicant is a non profit organization that will be providing mediation and mediation training, which is intended to benefit the community providing a charitable service.

Chairman Snyder again questioned how the mediation use qualifies as a charitable use?

Director Wong clarified that the mediation use would have to be a non-profit organization and fundraising events would be for non-profits and government events solely per Condition of Approval No. 5.

Chairman Snyder asked about fundraising events for their mediation?

Director Wong replied that if it was for a non-profit, it would be a use that would be permitted.

Chairman Snyder noted that he just wanted to make sure that the Planning Commission does not approve a use that hordes would attend.

Director Wong noted that with the non-profit status and historic site, that is nationally designated, there was adequate justification to recommend approval of the proposed Open Space Zone designation and approval of the use permit.

Director Wong also noted that the applicant wanted to pursue this use in the R-1 zone and staff's position was that such a use was not appropriate for the R-1 zone. The only options for the applicant are to change the designation to Open Space Conservation (OSC) or Multi-family (R-3).

Director Wong also noted that staff supported the project because of the Open Space zoning request because the Open Space Zone is the most restrictive zone. It limits the uses and precludes uses that could otherwise be allowed under the current R-1 zone.

Chairman Snyder asked if someone could still live in the house?

Director Wong replied that yes, someone could live in the house.

Director Wong noted that staff would only support this use with the Open Space designation.

Commissioner Young asked about the change in occupancy of the garage. Can you change the occupancy of the garage in the Open Space Zone?

Planner Lowe noted that the occupancy is a building classification and if the mediation training use is determined to be compatible with uses in the Open Space Zone and is approved, then the building occupancy would have to comply with the building use category of the building code.

Director Wong noted that the uses are very specific in the Open Space Zone and the Open Space Zone is the most restrictive zone in the City. Conditions of Approval have been imposed to assure that all issues are addressed for the proposed uses.

Chairman Snyder asked if this is left residential, could they have as many parties as they wanted?

Director Wong noted that there is no limitation on the number of parties you can have at your house.

Chairman Snyder asked who came up with the number of fundraisers?

Planner Lowe replied that it was the applicant's proposal.

Chairman Snyder noted that 4 fundraisers are not very many.

Chairman Snyder asked about parking and vehicle trips and what would the parking and vehicle trip requirements would be if this site was developed with residential units.

Planner Lowe replied that 2 parking spaces are required for each dwelling unit and generally 10 vehicle trips are estimated with single family dwellings according to Institute of Traffic Engineers (ITE) standards. Based upon the property size, an estimated 10 dwelling units could be constructed on the property.

Chairman Snyder noted that development of the project could result in an estimated 100 vehicle trips if the property were to be developed for residential uses.

Commissioner Spokely noted this is assuming a PUD on the property.

Chairman Snyder asked what the parking and vehicle trips are with this project.

Commissioner Spokely noted that there are 70 vehicle trips for mediation, 90 vehicle trips for mediation training and 56 vehicle trips for fundraising events.

Planner Lowe noted that there is an error in the estimates and they should be 35 for mediation, 45 vehicle trips for mediation training and 56 vehicle trips per day for fundraising events.

Chairman Snyder asked what was the most intense vehicle trip use?

Planner Lowe indicted that fundraising events are the most intense vehicle use proposed with an estimated 56 vehicle trips per event.

Chairman Snyder noted that is less than if the site was built out with residential uses.

Director Wong noted that with the two property(s), which each could accommodate 2 additional dwelling units on the property(s), would equate roughly to the anticipated trip generation rates anticipated with the proposed project.

Commissioner Spokely asked about the parking lot parcel that has the Oak Tree on it and asked if the applicant has access to the parking lot property?

Planner Lowe responded that the applicant already has an easement for access and has submitted a road maintenance agreement for the access. The access and road maintenance agreement was ratified as part of the previous lot split for the property.

Chairman Snyder noted that the access serves the apartment complex as well.

Planner Lowe replied yes and noted that it was his understanding that the parking lot property was purchased from the apartment complex owner Mr. Roumage.

Commissioner Spokely asked about the off site parking that has been identified for the proposed special fundraising events that will occur 4 times a year. Commissioner Spokely noted that the off site parking lot proposed is located across town on Nevada Street.

Planner Lowe replied that the applicant has secured a tentative lease of a church parking lot located at 460 Nevada Street.

Commissioner Spokely asked who would enforce this parking requirement. Would Auburn PD monitor this parking requirement to ensure that patrons do not park in the streets surrounding the site?

Director Wong noted that he recommends that the Mitigation Measure regarding off street parking include additional language regarding the off-street parking.

Commissioner Spokely noted that he finds it hard to believe that patrons from the project area would park 2 miles away from the site to attend an event that is in closer proximity to their home.

Director Wong replied that the applicant had the option to either provide parking on-site or the applicant can provide a site off-site subject to the Community Development Department's review and approval.

Director noted that they currently have identified the Nevada Street parking lot; however, the site is subject to the Community Development Department's review and approval.

Director Wong again noted that he recommends the following verbiage be added to the off-street parking Mitigation Measure to clarify the requirement.

"Applicant shall be responsible to ensure that all patrons/students/users of the site shall park their vehicles on-site. No parking shall be permitted upon the public streets".

Commissioner Spokely asked who would monitor the requirement?

Director Wong replied that if the City received a complaint about the off-street parking from the neighbors, the city will send someone out to investigate. If a license number is identified, city staff will forward the license number to the Police Department for verification.

Director Wong noted that it is not un-typical to impose such parking requirements on use permits. The applicant is responsible to ensure that off-street parking is provided and that no patrons park on the street.

Director Wong noted that the number of people have been limited for fundraising events and there is enough room on-site to accommodate the number of patrons proposed and again noted that it is the responsibility of the applicant to ensure that all patrons park on-site.

Chairman Snyder noted that the enforcement of the parking condition is revocation of the use permit should violations persist.

Director Wong replied that if violations occurred staff will convene a hearing to revoke the use permit.

Chairman Snyder responded that he drives through this neighborhood all the time and rarely are there people parking on the street so there should not be any problem with identifying the parking violators.

Commissioner Spokely asked if the use permit was revoked, would people still be allowed to live on the property in the Open Space Zone?

Director Wong noted that there are 2 houses on the property and both could be occupied in the Open Space zone.

Director Wong also noted that if an application were to be submitted back to residential, staff would likely support such a request.

Commissioner Young asked about the logistics of the parking program.

Director Wong replied that with any notification of a fundraising event, patrons would be directed to an off site location where they would be shuttled to and from an event.

Commissioner Spokely asked about the five parking spaces proposed to be donated by the adjoining property owner Mr. Roumage.

Planner Lowe replied that the offer was part of a correspondence received on the project prior to the Planning Commission hearing and that staff had not analyzed the request.

Commissioner Spokely asked about the conversion of the use of the existing house and whether or not that required the retro-fit of sprinklers?

Planner Lowe noted that the project has been circulated and reviewed by the Fire Chief and retro-fit of fire sprinklers is not required since they are not adding any square footage to the building.

Chairman Snyder opened the public hearing and requested the applicant to address the commission and present any information for consideration.

Terry Batsel owner of the El Toyon property addressed the commission and thanked the commission for their volunteer efforts and thanked staff for their assistance. Mrs. Batsel also thanked all the neighbors for their time and consideration of their project.

Mrs. Batsel noted that the meeting tonight is regarding the preservation of a historic Auburn property and to allow a purpose of a low impact non-profit mediation center and training center.

Mrs. Batsel noted that over the past 2 years, 16 meetings were held to collaborate and the result was that a majority of those persons consulted liked the proposed mediation use over the alternative uses allowed in the current residential zone (Mrs. Batsel provided an exhibit showing resident locations who were in favor of the project).

Mrs. Batsel noted that as a result of the meetings with concerned neighbors they agreed to move the parking lot to the rear of the property. They have also added screening landscape plantings and have agreed to provide additional matching lighting fixtures and timers and agreed to the off street parking requirements. Most

importantly we agree to a voluntary 2 year review of the use permit by the City Mrs. Batsel stated.

Mrs. Batsel noted that on Friday she recently learned that neighbors had engaged an attorney and are opposing their request. Mrs. Batsel noted that they have taken these letters very seriously and hope acceptable solutions can be generated at the meeting tonight.

Chairman Snyder asked Mrs. Batsel what does the voluntary 2 year review mean to you?

Mr. Henry Batsel replied that they have agreed to the voluntary review in 2 years to satisfy the neighbors concerns about the facility. Mr. Batsel noted that he does not anticipate any issues with the facility and has no objections to a public hearing in 2 years to discuss the operations of the facility.

Chairman Snyder asked if staff was aware of the 2 year review.

Planner Lowe replied staff had been informed about a discussion between the neighbors about a 2 year review.

Chairman Snyder asked Planner Lowe what he thought that meant?

Planner Lowe replied that the 2 year review would be an overview of the conduct of the business with respect to compliance with the Conditions of Approval, if approved. Planner Lowe further explained that he does not foresee the 2 year review to be a revocation of the use permit provided the applicant complies with the Conditions of Approval.

Chairman Snyder noted that is will be just a review of the Use Permit.

Planner Lowe replied yes.

Chairman Snyder asked about the purple dots on the exhibit that Mrs. Batsel presented.

Mr. Batsel noted that the exhibit is a map showing the location of residents that supported the proposed mediation facility.

Mr. Batsel noted that they had many public meetings to discuss the project and several people in the vicinity are in support of the project.

Commissioner Spokely asked the Batsel's to describe the proposed mediation use. According to the staff report there are to be 2 mediations per day, correct?

Mr. Batsel described the proposed 2 mediation sessions per day.

Commissioner Spokely asked if there will be any one living at the facility?

Mr. Batsel replied that there will not be anyone living at the facility; not at the main house anyway. There may be a care-taker living in the cottage; however, that is not financially feasible at this time considering the low revenues, which would be generated from mediation. Mr. Batsel noted that the average number of mediations per year, according to the National Association of Mediations, is 70 mediations per year. Money will probably be made with mediation training not mediations because free mediations will be given to those with limited incomes.

Mrs. Batsel also noted that they hope to get nationally renowned instructors to come to the facility whom may stay on the property for a couple of days, while instructing.

Commissioner Spokely asked are people coming from across the country to stay at the property or will people come to the facility in the morning and leave in the afternoon?

Mrs. Batsel replied that the only people who might stay there is an instructor who lives out of town. Rather than stay at the Holiday Inn, the instructor may stay on the property for a couple of days.

Mr. Batsel continued that people staying on the property would interfere with the 2 mediation sessions.

Commissioner Spokely clarified that the proposal is not to have people stay on the property during their mediation sessions?

Mrs. Batsel replied no.

Commissioner Spokely asked if there are any conditions of approval that protect against living on the property?

Director Wong noted that staff analyzed the project as a single family dwelling, with mediation and mediation training and calculated the parking requirements for each. Staff does not have an issue with someone living on the premises while mediations occur. To try to write a condition of approval to disallow people living in the house would be difficult to enforce Director Wong stated.

Commissioner Spokely agreed but wanted to make sure that this did not turn into something different than what is being described.

Director Wong noted that if it turns out that mediation does not occur, we can not deny the use of the single family dwelling in the Open Space (OS) Zone. It is a permitted use.

Commissioner Spokely asked if ten kids were to stay on the property for mediation sessions, would the City have the legal recourse to revoke with use permit?

Planner Lowe noted that the use of mediation is as described in the project description with 2 mediations per day with a total of 16 persons. Any mediation use beyond that is not permitted.

Mr. Batsel noted they do not have the space to have someone live on the property while mediation is occurring.

Commissioner Spokely asked if the applicant would be willing to place all of the properties into Open Space?

Mr. Batsel asked what would be the purpose of putting all of the properties into Open Space?

Director Wong noted that the property to the north is only included because of the boundary line adjustment.

Commissioner Spokely asked why the boundary line adjustment is being considered?

Mr. Batsel replied that the boundary line adjustment is being considered for two reasons: 1) The neighbors to the east bought the property and were told that the property line went to a certain location and when the property was surveyed, the property line was in a different location than what they had understood. The property is oddly configured, with an 18 foot access to the property, so the boundary line adjustment would allow a property exchange with the neighbors to give them better access; 2) The other reason is to expand the flat tennis court area of the larger property to allow for a garden area in the future.

Commissioner Spokely asked about the result of the boundary line adjustment. Will the resulting lot remain residential?

Mr. Batsel noted that they would like to plant a garden on the reconfigured residential property in the future.

Commissioner Spokely asked if any mediation uses are being proposed for the reconfigured property?

Planner Lowe noted that the proposed uses are not to take place on the reconfigured property and it was only mentioned because they are planning to reconfigure the property.

Commissioner Vitas noted that in reading some of the letters of opposition that there was a concern that participants involved in mediation may be angry due to divorce, and there may be a problem.

Mrs. Batsel replied that these are not the types of clients that would be using the facility. Mrs. Batsel noted they have a great interest in protecting their property. They have taken many pains to make it a beautiful place. That type of mediation can be handled by the Placer Dispute resolution services.

Mrs. Batsel noted that they will be pre-screening anyone wanting to use their services.

Commission Spokely asked if the Batsel's were involved in mediation themselves?

Mr. Batsel replied that he is a carpenter by trade, but they are both trained as mediators.

Commissioner Young asked where do the clients come from; do they look up the facility in the yellow pages? How do people schedule a mediation session?

Mr. Batsel replied that their church has committed to ten mediations per month.

Mr. Batsel noted that they don't know if they could handle ten mediations per month initially.

Commissioner Young asked if they would be handling court ordered mediation?

Mr. Batsel replied only if the parties voluntarily wanted to use their mediation services.

Commissioner Young noted that the people that are there are going because they want to be there and it will not likely be a hostile environment.

Commissioner Young asked about the mediation training of 40 days per year or 10 times per quarter. Commissioner Young asked if mediation training were a one day event?

Mr. Batsel replied that typically mediation training would be a one day event. Special trainings may be scheduled for multiple days.

Commissioner Young noted that the meditation training is limited to 30 persons.

Commissioner Young asked about the fundraising events and what types of non-profit organizations are anticipated to hold events at the facility.

Mr. Batsel noted there will be no events on Sunday.

Mrs. Batsel noted that they have held an event "Wine for Wheel Chairs" event. Mrs. Batsel also noted they may have an event for the boys and girls club.

Commissioner Young asked if they are currently doing mediation on the property?

Mr. Batsel replied no.

Commission Young noted you have had fundraisers on the property.

Mr. Batsel replied yes, one fundraiser.

Commissioner Young asked what benefit do you see to the neighbors?

Mr. Batsel noted that they could put a number of residential units on the property that would have a lot of traffic and people on the street. Mr. Batsel also noted that they are preserving the historic nature of the property which will reduce the impacts across the board in comparison to the current residential zoning.

Mr. Batsel noted that eventually, they plan to employ a few people such as caterers, etc.

Mrs. Batsel added that it's a historic residence and if the property was ever sold, it could be sold to a developer who had development of the property in mind.

Mrs. Batsel noted that in order to preserve the property it needs a purpose and we believe this was a low impact use. The property sits between an R-3 property to the north and apartments to the south.

Commissioner Young noted that the house would still be there if the mediation center did not exist.

Mr. Batsel replied that any house; even a house on the National Register could be demolished.

Chairman Snyder discontinued the meeting for a five minute break.

Chairman Snyder reconvened the meeting at 7:54 p.m.

Chairman Snyder re-opened the public hearing.

Lydia Jones who resides at 480 Foresthill Avenue addressed the commission. Mrs. Jones has lived in the community for the last 27 years and has known Terry Batsel for almost 20 years. Mrs. Jones works for the school district and stated that the Batsels have been involved in philanthropic endeavors over the years and have

given up their time and money for various fundraisers in the community. Mrs. Jones noted that her husband and she are both in favor of the project.

Pam Richards of 345 Marvin Way address the commission. Mrs. Richards noted her property is within 30 feet of the property. Mrs. Richards noted she is one of the concerned neighbors who have retained an attorney. Mrs. Richards noted that her attorney submitted correspondence dated last Friday requesting a continuance based upon two grounds: First, their attorney has just been retained and has not had adequate time to review the environmental document; Secondly, proper notice was given; however, the review period for the notice was not adequate pursuant to the CEQA Guidelines. Mrs. Richardson noted that her first request is that the hearing be continued to allow her attorney to respond to the environmental document.

Chairman Snyder replied that the Planning Commission will not make a decision to continue the hearing but will take the continuance request under advisement.

Maureen Murphy of 110 Channing Way addressed the commission and noted that she is not particularly opposed to this type of project, charitable and philanthropic endeavors are great, but is opposed to this project in a residential neighborhood.

Ms. Murphy noted that she is concerned about safety in the neighborhood. The intersections in the neighborhood are not very safe. There are no sidewalks in the neighborhood that connect to downtown and children walk in the streets. Mrs. Murphy noted that she has concerns about a commercial business located in the neighborhood which will bring additional traffic from persons who don't live or know the neighborhood.

Mr. Scott Birk who resides at 110 Channing Way addressed the commission and had concerns about the project. Mr. Birk was surprised to hear the Batsels held 16 meetings to discuss this project. Mr. Birk has lived at the Channing Way residence since 2007 and was not invited to any meetings regarding this project. Mr. Birk questions the community involvement that has occurred.

Mr. Birk has concerns about event parking and it appears that the neighbors would have the responsibility of calling the police to enforce the parking on the streets.

Mr. Birk also noted he is also unsure about the logic of the proposal as it appears that there is unlimited commercial opportunities in town and why questioned why it needs to be located in this residential neighborhood.

Mr. Birk also wondered who the mediation customers are going to be? Mr. Birk is concerned about who is coming into the neighborhood.

Mr. Birk noted he has heard the Batsel's cite a litany of benefits to the neighborhood, but has heard one, two or three benefits cited tonight. Mr. Birk

noted that there is currently no impact to the neighborhood. The property is beautiful and has no impact to the neighborhood.

Mr. Birk noted that he believes that the project would affect his neighborhood adversely.

Pam Richards of 345 Marvin Way re-addressed the commission and passed out her written presentation to the commission.

Mrs. Richards noted her concerns primarily had to deal with the legal concerns that were presented by their attorney. Mrs. Richards noted that she likes the quality of life of her residential neighborhood the way it is.

Mrs. Richards noted that over the past 2/12 years the applicant has been seeking approval of this mediation center and on October 15,, 2009, Lance Lowe from the City of Auburn wrote to the applicant and quoted: "...the City Attorney has confirmed that the Community Development Department's determination that the proposed mediation center is a commercial use of property that is not permitted or conditionally permitted in the residential, single family zone". Mrs. Richards asked what has changed? Does calling the use charitable, research and philanthropic institutions or its non-profit status mean that if neighbors establish a non-profit commercial entity, cleverly charactering it charitable, research, and philanthropic, pay ourselves huge salaries, buy boats and cars, take expensive vacations, just so long as we do not make a profit; and hold a few fundraisers, does this mean this is an allowed use?

Mrs. Richards noted that this project will set an unfortunate precedence, so when the next applicant comes along with a similar project, it will be consistent with existing land use policies.

Mrs. Richards noted that the environmental document fails to evaluate incompatible land uses and land use conflicts. By having the property re-zoned to Open Space, it is not consistent with the residential neighborhood. The fact that it borders Open Space to the east fails to consider the existing development of the site. The findings in the staff report are flawed and are not supported by substantial evidence in the written record. Mrs. Richards noted that any action by the commission would be premature at this time since the Commission will be hearing from their attorney with respect to a more thorough investigation of the environmental document.

Mrs. Richards commends the Batsel's for trying to preserve the historic property as a historic resource; however, it is unfair to ask the neighbors to bear the burden of a significant use change in order to support another property owners personal and financial decision. Mrs. Richards noted that she is not opposed to the Batsel's mediation center but is opposed to this location. The Batsel's have other opportunities to establish their mediation center.

Mrs. Richards noted for the record that she shares the neighbor's positions that the neighbors will be discussing addressing such issues as noise, safety, lighting, parking lot, etc.

Gene Maynard of 10915 Sluice Box Circle addressed the commission. Mr. Maynard noted that he is the Senior Pastor of the Bayside Church in Auburn. Mr. Maynard noted that when he heard about El Toyon's intent to establish a mediation center, he fully supported such a facility. Mr. Maynard noted that the content and course offerings that El Toyon is excellent. Mr. Maynard has worked with the Batsel's to offer training for individuals in the church and approximately 20 persons have shown interest in the facility, all of whom reside in the community.

Mr. Maynard noted that the location of the property is excellent for a mediation center. The beauty and serenity of the property is well suited for mediation and resolution.

Dory Granier residing at 291 Russell Road addressed the commission.

Mrs. Granier noted that she had lived in the neighborhood and had the opportunity of care for the home and noted that the Batsel's have gone to great lengths and expense to restore the property.

Mrs. Granier is familiar with mediation and believes that it will be a benefit to the community.

Mrs. Granier asked why would the Batsel's preserve the property as they have for so many years and then invite unfavorable characters into the home?

Mrs. Granier also noted that the intersection fronting the home is a very strange corner but could be mitigated by the City. If houses were to be constructed on the property, additional traffic beyond the existing use would be generated.

Jamie Teichert, resident of New Castle, addressed the commission and is opposed to the mediation center, but wanted to acknowledge what the Batsel's have done with the property and what others have said about the Batsel's character. Mrs. Teichert noted that this is not about the Batsel's character or being opposed to mediation or their vision; it is specifically about the location of the proposed facility.

Mrs. Teichert noted that she and her husband are currently looking to purchase a home in the area and if a commercial business were to be approved for this neighborhood, they would definitely cause them to reconsider purchasing a home in this neighborhood.

Mrs. Teichert noted that the Batsel's do not reside in the neighborhood nor does anyone else that supports the project. Mrs. Teichert would like to hear from members of the neighborhood that are in favor of the mediation center.

Phillip Booker, resident at 190 Channing Way addressed the commission. Mr. Booker noted he met Terry Batsel at the time she purchased the home approximately 15 years ago. Mr. Booker noted that the house at the time was kind of a mess and Terry performed an elegant and proper restoration using old historic photographs. Mr. Booker continued that he and his wife are very happy that Terry had purchased the property and not a developer. The end result is a beautiful historic home in a park like setting. The Batsel's have done more for the neighborhood and property values than any other homeowner.

Mr. Booker noted that the Batsel's have opened up their home to many neighborhood events such as birthday parties and Easter egg hunts and even a memorial for a passing neighbor. Terry was also gracious enough to hold a Rotary "Wine for Wheelchairs" event.

Mr. Booker continued that as far as parking goes, if large numbers of people attend these events, there may be some parking issues; however, there are more parking issues associated with Friday's High school football games than you will ever have with an event at the Batsel's.

Mr. Booker noted that he does not believe that this change will have a deterrent influence on the neighborhood. Mr. Booker believes this use will be primarily transparent. A few mediations a day and a little heavier traffic four times a quarter will not be a traffic or noise burden to the neighborhood. Mr. Booker noted that we have more noise from fast Friday's and the football games than you will get from the facility.

Mr. Booker concluded that the biggest traffic problem is on the weekend of the Western States 100 with the race coming up Robie Point.

Brian O'Brian of 180 Brook Road introduced himself and thanked the commissioners for their volunteer work and thanked them for their thoughtful line of questioning. Mr. O'Brian also acknowledged the Batsel's as truly wonderful people, great community members, whom own a beautiful property.

Mr. O'Brian noted that we have all purchased homes in residential neighborhoods with residential zoning with the expectation that it will remain residential. Mr. O'Brian asked the Commission to consider carefully if such a use were to be proposed next to your home. Mr. O'Brian noted that those closest to the facility are those who will be impacted the most and are the ones most outspoken against the project. Mr. O'Brian concluded that protecting the rights of those most impacted should be considered.

Mrs. Lydia Jones of 315 Marvin Way addressed the Commission. Mrs. Jones noted that there is a bus stop by her house and her kids are picked up and dropped off every day. Mrs. Jones noted she has boys and they ride their skate boards and bikes down the driveway into the street; often times without looking. Mrs. Jones commended the Batsel's for what they want to do, but does not want the facility in here neighborhood. Mrs. Jones noted that there probably won't be a lot of traffic, but these people don't know the neighborhood.

Christine Liesky of 240 Placerado addressed the Commission and noted that she is in favor of the project. Ms. Liesky noted that residents of the neighborhood have had the luxury of the house being vacant; however, as the owner concedes, continuing to maintain the home, without a plan to sustain itself, it is prohibitive. Ms. Liesky noted she hopes that the Council has the foresight to allow for a use instead of allowing the property to be sold and developed with many more residential homes resulting in much more traffic.

Laurie Meadows of 205 Brook addressed the Commission. Mrs. Meadows noted that she appreciates the efforts that the Batsel's have taken to try to mitigate any concerns that she has. Mrs. Meadows appreciates the efforts that the Batsel's have put forth; however, Mrs. Meadows noted that the project works for the house and works for the Batsel's, but does not think it works for the neighbors and opposes the project.

Ms. Meadows noted there will be a loss of privacy, especially with the trainings. Ms. Meadows did not realize the number of times and number of people attending the trainings until recently. Ms. Meadows discussed this with the Batsel's and we believe that there are too many people and too many cars resulting from the project and will be a decrease in the quality of life for the neighborhood.

Mary Kozak resident of 105 Channing Way addressed the Commission. Ms. Kozak noted that the property is beautify and thanked the Batsel's for that. Ms. Kozak's concerns are safety and privacy. Ms. Kozak's property is directly across the street and it is where people will be slowing down to make the left hand turn to enter into the property with blind intersections and has concerns about the additional traffic on the Brook Rd. neighborhood, particularly by those that are not familiar with the area.

Ms. Kozak noted she has lived in the neighborhood for more than 10 years and loves the neighborhood and wants to preserve the neighborhood and keep it residential.

Joanne Walder residing at 205 Brook Road addressed the Commission. Ms. Walder noted that the Batsel's are good people, good neighbors and good friends. Ms. Walder noted that over the last several years, the project has grown into a larger commercial endeavor. Ms. Walder has concerns that, like any business, the

business will have to grow to sustain itself. Ms. Walder has concerns about how the project will grow and/or change over the years.

Ms. Walder noted that she has researched mediation and conflict resolution and dispute resolution were common terms describing mediation. Ms. Walder read about angry people on the verge of litigation going to mediation and learned that not all mediation centers have the same clientele. Ms. Walder noted that the Batsel's have stated they will not be accepting court ordered mediation clientele, such as those that need to go to mediation for minor crimes. Ms. Walder noted that we can all agree that such a facility would not be compatible with a residential neighborhood. However, is there anyway that the permit could be limited to ensure that these types of clients will not be served. Ms. Walder does not see how the permit could be limited to a type of clientele and she is concerned with that.

Ms. Walder is also concerned about traffic on the s-curve between Brook Road and Marvin Way. The curve is a dangerous curve because it is very difficult for cars to see. Ms. Walder is very concerned about the noise generated from 30+ people talking during breaks. Not just conversational talking, but people talking over one another, voices being raised. The decibel level is not what an initial study may project for this type of event.

Ms. Walder noted that she does not believe that there is adequate off-street parking for the facility. Ms. Walder commends the Batsel's for acquiring additional parking at a local church; however, there is no guarantee that patrons will utilize this facility to be shuttled over. From experience at the fair grounds, we know that people like to park close to the event in stead of being shuttled over.

Ms. Walder also noted that the night time lighting and about how tall the lighting will be and the brightness. Ms. Walder noted that there is no documentation on what the lighting hours would be and how bright it would be on people in the apartments. Ms. Walder is concerned about setting a precedent about establishing a commercial business in the residential zone. Ms Walder asked, could this commercial business be located elsewhere and the revenues generated help with the upkeep of the house?

Ms. Walder noted that she has been told by numerous people that such a facility would bring down the property value of the neighborhood.

Ms. Walder also has concerns that should the property be sold, the use permit would run with the land and there is no guarantee that any subsequent owner would have the same clientele as the Batsel's.

Ms. Walder has a concern about the 30 person vocational school parking ratio used. With a vocational school, not everyone starts and stops at the same time. This use is more like a seminar in which people arrive at the same time and leave at the same

time. Ms. Walder noted that when she looked at carpooling statistics on-line an estimated 10 percent of people carpool nationwide.

Ms. Walder is concerned about the aesthetics of widening the driveway along Brook Road and the parking of cars in the driveway.

Nancy Odom of 110 Marvin Way addressed the Commission. Ms. Odom noted she is in support of the rezoning of the property. Ms. Odom noted that this project is a good fit with the neighborhood because it is in close proximity to the Highland Hospital property with multi dwelling units on both sides of the property.

Judy Melack resident of 265 Marvin Way addressed the Commission. Ms. Melack believes that a commercial business in a residential neighborhood will lower the neighborhood home values.

Ms. Melack notes that there are a lot of children, runners and others that use the neighborhood and has not noticed much traffic resulting from the 100 mile race. Ms. Melack recalls when the "Wine for Wheelchairs" event took place and people parked throughout the neighborhood. Ms. Melack did not complain at the time and understands if people have parties once in a while; however, four events per year seems like a lot.

Ms. Melack also notes that with 30 students coming in the morning and leaving at lunch and then leaving at the end of the day, 120 vehicle trips would be generated, that seems like a lot of traffic.

Art Melack resident of 265 Marvin Way addressed the Commission. Mr. Melack questioned the project and wanted to know what they are doing and how they will be using the property and how it will impact the neighbors. Mr. Melack questions the Open Space Zoning and the appropriateness of the use in the Open Space Zone.

Mr. Melack asked about the narrow driveway which goes back to the proposed parking lot and the potential for people parking in the driveway.

Mr. Melack also had concerns about the number of neighbors opposing the project.

Mr. Melack also had concerns about safety of children in the neighborhood and the compatibility of the use with the residential neighborhood.

Susie Booker resident of 190 Channing Way addressed the Commission. Ms. Booker noted that she and Terry Batsel walked the neighborhood to consult with neighbors regarding the project. Ms. Booker noted that prior to Terry purchasing the property, the house was in shambles. Today it is a wonderful residence and looks beautiful.

Gary Ransom resident of 165 Terrace addressed the Commission. Mr. Ransom noted that he did not know the applicants but does know that there are a lot of people in the neighbor that are not at the meeting and don't care if the facility goes in. Mr. Ransom noted that the neighbors most outspoken about the facility are those that live closest to the property. Mr. Ransom also noted that statements that the neighborhood is against the project are not correct. The neighbors closest the property are against the project. There is a much larger neighborhood that is not against the project.

Mr. Ransom also noted that if this does not go through and the property owner comes back to the Planning Commission with a 10 lot development, it is only a matter of time before the property is developed. Mr. Ransom noted that the people living close by will be less happy with a 10 unit development than what the applicant is proposing.

Mr. Ransom understands that the neighbors are unhappy with the changes, but the changes are going to occur either way. Next door to the north is the old Highland Hospital and apartments are located to the south as well, so the eventual development of the property will happen with the current zoning.

Carmel Lipsmeyer resident of 175 Ruby Street addressed the Commission. Ms. Lipsmeyer noted that change is hard for the neighbors, but change is inevitable. Ms. Lipsmeyer believes that the project will preserve the neighborhood.

The applicant Henry & Terry Batsel re-addressed the Commission to respond to concerns expressed.

Mr. Batsel noted that the width of the access for the parking lot is on the plans and is 20-22 feet.

Mr. Batsel also noted that widening of the access was to accommodate the fire department for access; however, in speaking with Mark (Fire Chief), widening is not required, so we would rather not widen the driveway. It is noted as tentative on the plans.

Mr. Batsel noted that he does have options for the property. If it were to be fully developed for residential use, there would be nine times the traffic with nine times for risk to neighborhood children.

Mr. Batsel notes that he agrees with the neighbors concerns about the safety at the corner. Mr. Batsel noted that due to the neighboring property owner's landscaping at the intersection, it obscures the views of drivers coming around the corner. Mr. Batsel notes that people cross the yellow line to cut the corner and he has almost been hit himself.

To improve the visibility of the corner, Mr. Batsel made an offer to fix the landscaping on the neighbors property located at 345 Marvin Way.

Mr. Batsel wanted to thank all those in favor and those opposing the project.

Commissioner Young asked what notification process occurred over the last several years?

Mrs. Batsel replied that she prepared fliers with name, phone number and meeting dates and walked the neighborhood on three separate occasions. The meetings were held at the house. Mrs. Batsel also noted that she had separate meetings with individual neighbors that were concerned the most. These meeting were held at the house as well. Mrs. Batsel noted that in total 16 meetings where held.

Commissioner Spokely asked about the rezoning of the two of the three parcels. Commissioner Spokely wanted the applicant to explain how these properties would be segregated from the mediation uses?

Mr. Batsel replied that he is requesting a rezone on the 211 Brook Road property of 1.97 acres that will be re-configured with a boundary line adjustment. On the east side there is another property that a house could be built on.

Commissioner Spokely noted that it appears that the boundary line adjustment is reconfiguring property to coincide with existing improvements, so they are on the same property.

Mr. Batsel described the boundary line adjustments and noted that all of the proposed improvements are existing and are currently located on the main property.

Commissioner Spokely questioned whether or not the resulting two properties were being left in the residential zone, so that houses could be constructed on them.

Mr. Batsel replied that if the mediation facility did not happen, then he would likely build a house on each of the lots and come back with subdivision plans to build on the larger property.

Mr. Batsel noted that he is a builder by trade and is familiar with the building industry, but he bought the property specifically to save the property so that nobody would develop the property.

Commissioner Spokely asked if Mr. Batsel would be willing to rezone the other properties to Open Space as well.

Mr. Batsel asked what would be the objective, even if the properties were rezoned to Open Space, a single family dwelling could be constructed on the property.

Commissioner Spokely questioned whether or not those properties are part of the project.

Mr. Batsel replied that those properties are not part of the project.

Commissioner Young asked if the parking lot property is proposed to be rezoned to Open Space?

Mr. Batsel replied that the parking lot is not going to be rezoned to Open Space.

Commissioner Young asked why this property is not going to be rezoned to Open Space since its part of the mediation project?

Mr. Batsel replied that it was not required by staff and there was no incentive to rezone the other properties to Open Space. Mr. Batsel also noted that placing the parking lot on this property was to accommodate the neighbors.

Commissioner Young noted that they have no concern with the parking, but believes that the entirety of the mediation site should be in the Open Space.

Mr. Batsel replied that if the mediation facility went defunct then the parking lot would be in Open Space.

Director Wong noted that staff looked into the zoning issue and staff did not see a reason why these other properties should be in the Open Space. The parking lot property goes together with the mediation center with the use permit.

Commissioner Spokely asked if the property was to be zoned to Open Space, could they still built a home.

Director Wong noted that in the Open Space zone they could still build a house on the property.

Chairman Snyder noted that the mediation center would need to cease.

Director Wong replied that the parking lot and mediation facility go together with the use permit.

Chairman Snyder closed the public hearing and dis-continued the meeting for a 5 minute recess.

Chairman Snyder re-convened the meeting at 8:45 p.m.

Chairman Snyder re-convened the Planning Commission public hearing and asked Director Wong what are the actions that the Planning Commission may take?

Director Wong replied that the Planning Commission can recommend approval or denial of the project to the City Council or continue the hearing.

Chairman Snyder asked what are the arguments for continuance other than allowing the attorney additional time to review the project?

Director Wong noted that according to the City Attorney, there are no concerns with Mr. Moose's letter that would prevent the Planning Commission from moving forward with the project tonight.

Chairman Snyder clarified that by moving forward tonight, there would be no harm due to the attorney's alleged flaw in the CEQA process.

Director Wong replied that is correct.

Chairman Snyder asked what would be gained by continuing the process to another date?

Director Wong replied that continuing the public hearing is up to the Commission, but staff would request that if the Planning Commission continued the project, they continue the project to a date certain.

Director Wong noted that there are people that would like a continuance.

Director Wong noted that if the applicant and neighbors want to work together, in good faith, to resolve some of the neighborhood concerns and there was a willingness by both parties to resolve these issues, than continuance would be acceptable. If the people who are opposed to the project will continue to be opposed and there is no willingness for negotiation, than a continuance does not seem necessary.

Chairman Snyder noted that in addition to allowing the attorney additional time to respond a continuance would allow the applicant and neighbors additional time to negotiate.

Director Wong replied that he did not hear that from the applicant and neighbors tonight.

Director Wong further noted that if the Commission wanted to continue the item solely based upon the attorney's letter, that the City Attorney has advised staff that the Planning Commission can move forward tonight on the project.

Commissioner Spokely asked for clarification about the attorney's letter and noticing guidelines in accordance with CEQA.

Director Wong replied that the City has complied with the noticing requirements of CEQA.

Commissioner Young noted that if there is no continuance tonight, all parties will have the opportunity to address these issues at the City Council.

Director Wong noted that the General Plan Amendment and Rezone need City Council approval.

Director Wong noted that prior to City Council consideration; staff would rather have these issues negotiated and resolved, if possible.

Director Wong noted that if the Planning Commission takes action tonight, the applicant and neighbors will still have the opportunity to resolve some of the issues before the City Council meeting.

Commissioner Young asked Director Wong about the 2 year review.

Director Wong replied that he has drafted a condition for the Planning Commission, if desired.

Director Wong read the condition of approval as follows:

“Two years from the date of approval the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission, the city can proceed with revocation of the Use Permit.”

Director Wong noted that in the 2 year review, if the Planning Commission found enough evidence to initiate revocation proceedings, than another hearing would be scheduled to consider revocation of the use permit. The Planning Commission could not just revoke the Use Permit in 2 years automatically.

Chairman Snyder noted that additional conditions, if necessary, could be imposed at the 2 year review to address any issues that may occur.

Director Wong noted that if there are any issues with the facility, staff could initiate revocation of the use permit at any time.

Chairman Snyder noted that revocation hearings are very rare because there is so much at stake for the applicant/owner of the use permit.

Chairman Snyder noted that the applicant has already agreed to the 2 year review in their presentation.

Commissioner Spokely appreciated the public testimony tonight on a decision that has the potential to affect a neighborhood. The concerns that he has articulated tonight remain. Commissioner Spokely noted that the home is beautiful and the fact that the property owner placed the property on the National Register further demonstrates that the owner wants to preserve the property.

Commissioner Spokely also notes that there are no guarantees that the property will remain. The property could develop in the future and ten homes could be constructed; there are no guarantees on the status of the property.

Commissioner Spokely however, noted concerns about setting a precedent by the Planning Commission making a recommendation to the City Council that the Planning Commission has found a way to shoehorn a commercial use in the residential zone by rezoning property to Open Space. Commissioner Spokely noted that if the rezone was to a commercial zone, then the neighborhood would know what they would be getting with the rezone.

Commissioner Spokely noted that the mediation center would be good in any community. The property would be a great fit for such a facility; however, the location is right in the middle of a residential neighborhood.

Commissioner Spokely appreciated the neighborhood outreach and the measures that the applicant has taken to consult with the neighbors. However, I am not in favor of a commercial business to be located in the residential neighborhood stated Mr. Spokely.

Commissioner Spokely noted that the people that are the most against the project are those that live closest to the project; the neighbors that will be impacted the most.

Commissioner Vitas noted that he drives by the house everyday on the way to work.

Commissioner Vitas has concerns about a business located in a residential setting and emphasizes with the neighbors.

Commissioner Vitas noted that he lived in the Robie House for a while and with respect to noise, the high school football games, Fast Fridays and the trains in town, are so loud they seem like they are in your living room.

Commissioner Vitas noted that the Batsel's have been stewards of their property and down zoning the property will provide some protections.

Commissioner Vitas noted that the traffic and noise analysis appear to be adequate and alleviate the issues and if there are any problems with the use, the ability to revoke the use permit is available.

Commissioner Young noted that someone tonight asked the Planning Commission if they would like this project in their neighborhood?

Commissioner Young noted that change is difficult. Planning Commission decisions like these are very difficult because they will affect a neighborhood.

Commissioner Young noted that the property is beautiful and that the applicant has have done a wonderful job working with the neighbors.

Commissioner Young noted that there were comments that the property would develop with 10 homes if some use is not approved for the property and commented that he does not want 10 homes in the neighborhood, but does not want his decision to be based upon the threat of that occurring.

Commissioner Young notes that the intersection is not very good and that there is a blind corner. With respect to parking, there should not be any issue with parking except 4 times per year. However, parking should not be an issue stated Commissioner Young.

Commissioner Young noted that mediation is a wonderful business and has had a number of dealings with mediation in his line of work. However, the mediation center should be located in this residential neighborhood stated Commissioner Young.

Chairman Snyder noted that the Planning Commission members are not elected officials and are appointed by the City Council who will have to make the tough decision regarding this project.

Chairman Snyder noted that he has been in land development business for 30 years and there is certainly a possibility that 10 homes could be built on the property. Chairman Snyder noted that we have an unbelievable property owner that has the interest, time and money to perform a perfect restoration on the house.

Chairman Snyder noted that the applicant has tried to work with the neighborhood and has been to training sessions where special conditions are imposed. The applicant will be in contact with persons coming to the facility and will be providing instruction to those that will be using the facility such as: "Do not park on the street" "Drive carefully" and "following the speed limit".

Chairman Snyder notes that his life has been in real estate and has observed countless examples where people believe things will be worse than they actually turn out. Chairman Snyder has never had a case where things are worse than peoples worse fears.

Chairman Snyder notes that the other thing that helps him support the project is the fact that it is conditional. The project will come back before the Planning

Commission in 2 years for review and can be changed. This is a special condition that is usual in land use decisions.

Chairman Snyder recalled a condominium project in his old neighborhood and had the project been proposed 15 years later the neighbors would have been upset. The condominium project was a wonderful asset to the neighborhood.

Chairman Snyder noted that he believes this will be an asset to the community and knows it will be an asset to the non-profit community, which he is involved with.

Chairman Snyder will support this on a conditional basis. This is the applicant's vision for the property and wants to preserve the property and succeed.

Commissioner Young noted that he is not against the mediation center, but has concerns about changing the neighborhood and does not think this is a proper fit for the neighborhood.

Commissioner Young noted that he would like to see the neighbors resolve their issues before this project goes before the City Council for consideration.

Commissioner Young **MOVED** to recommend that the City Council approve the General Plan Amendment, Rezone, Use Permit and Tree Permit, with the additional conditions of approval and additional vertibage to the mitigation measure that clarifies the mitigation measure as follows:

"Two years from the date of approval the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute, LLC. If deemed appropriate by the Planning Commission, the city can proceed with revocation of the Use Permit."

#### **Mitigation Measures XVI. 1**

"Applicant shall be responsible to ensure that all patrons/students/users of the site shall park their vehicles on-site. No parking shall be permitted upon the public streets".

Chairman Snyder **SECONDED** the motion.

AYES:	Vitas & Snyder
NOES:	Spokely & Young
ABSTAIN:	None
ABSENT:	Worthington

The motion failed for lack of majority.

**VI. COMMISSION BUSINESS**

None

**VII. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A. City Council Meetings  
None
- B. Future Planning Commission Meetings  
None
- C. Reports  
None

**VIII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**IX. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**X. ADJOURNMENT**

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

  
Lance E. Lowe, AICP  
Associate Planner

**CITY OF AUBURN  
PLANNING COMMISSION APPEAL**

The Auburn Municipal Code, Section 159.424, provides that any person not satisfied with an action of the Auburn Planning Commission may appeal said action to the City Council. Such appeal shall be made by filing a written application with the City Clerk's Office within ten (10) calendar days after the decision of the Planning Commission. Said written application shall specify the particular action or decision, or portion thereof, which is being appealed, and shall describe the reasons for the appeal, and should include suggested remedies.

The City Council shall act on appeal applications within sixty (60) days after such an appeal has been filed with the City Clerk's Office. Return completed application, along with fee of \$100.00 to:

City Clerk's Office  
1225 Lincoln Way, Room 8  
Auburn, CA 95603  
(530) 823-4211 Ext. 112

**APPEAL APPLICATION**

I, SHAWN BATSEL (AGENT)

(Printed Name of Appellant)

Hereby appeal the below noted action (s) of the Auburn Planning Commission:

Date of Planning Commission Action: NOVEMBER 15, 2011

Project Name/Application No. (s): GENERAL PLAN AMENDMENT, REZONE, USE  
(EL TORO INSTITUTE, LLC)

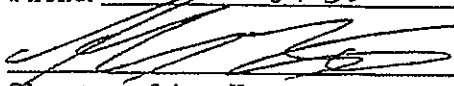
PERMIT & TREE PERMIT - 209, 211 & 215 BROOK ROAD - # GPA 11-1; RE 11-1; DP 11-1 &  
(Use Permit, Subdivision map, etc) TP 11-1

Project Location: 211 & 215 BROOK ROAD, AUBURN (209 LOT LINE ADJUSTMENT)

Assessor's Parcel Number: 003-200-017, 025 & 026

Mailing Address: 211 BROOK ROAD, AUBURN CA 95603

Phone: 530-522-8735 Email: shawn.batsel@gmail.com

 11/23/11  
Signature of Appellant Date

\*\*\*\*\*  
For City Staff Use Only

Date: 11/23/11 Receipt No. \_\_\_\_\_ Received by: KL Fee Paid: \$100

**Received**

**NOV 23 2011**

by \_\_\_\_\_

AMY M. LIND  
DEPUTY CITY CLERK  
CITY OF AUBURN

**Planning Commission Action/Condition:**

ON NOV. 15, 2011 THE AUBURN PLANNING COMMISSION VOTED 2-2 ON WHETHER TO RECOMMEND THE "CLAYTON INSTITUTE PROJECT" TO THE CITY COUNCIL FOR APPROVAL. THE LACK OF MAJORITY RESULTED IN A "NO." THE VOTE COVERED FOUR COMPONENTS - A GENERAL PLAN AMENDMENT, A REZONE, A USE PERMIT AND A TREE PERMIT. THE CITY STAFF INFORMED THE APPLICANT THE NEXT DAY (NOV. 16) THAT THE NEGATIVE RULING CONSTITUTED A DENIAL OF THE USE PERMIT AND TREE PERMIT.

**Reason for Appeal:**

THE APPLICANT WISHES TO HAVE THE CITY COUNCIL REVIEW ITS APPLICATION IN ITS ENTIRETY, THE GENERAL PLAN AMENDMENT, THE REZONE, THE USE PERMIT AND THE TREE PERMIT. THE APPLICANT FEELS THE USES DESCRIBED IN THE APPLICATION ARE PROPER FOR THE LOCATION AND WOULD NOT ADVERSELY AFFECT THE NEIGHBORHOOD. THE APPLICATION REQUESTS A DOWNZONING TO A MORE RESTRICTIVE ZONE, WHICH WOULD ACT AS A PRESERVATION MEASURE FOR THE HISTORIC PROPERTY.

**Suggested Remedy:**

THE APPLICANT WISHED TO HAVE ITS APPLICATION APPROVED AND IS CONFIDENT THE PROJECT WILL HAVE MINIMUM EFFECT ON THE NEIGHBORHOOD AND A MUCH SMALLER IMPACT ON NEIGHBORS THAN ALREADY PERMITTED USES.

**EXHIBIT D**

CITY COUNCIL RESOLUTION NO. 12-\_\_\_\_

A RESOLUTION FOR APPROVAL OF AN APPEAL AND ADOPTING AN ENVIRONMENTAL DOCUMENT PREPARED FOR A GENERAL PLAN AMENDMENT, REZONE, USE PERMIT AND TREE PERMIT FOR EL TOYON INSTITUTE, LLC., LOCATED AT 207, 211 & 215 BROOK ROAD (GPA 11-1; RE 11-1; UP 11-1 & TP 11-1)

-----

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its regular meeting of July 9, 2012, to consider an appeal by Shawn Batsel, on behalf of El Toyon Institute, LLC., of the Planning Commission's (2:2) recommended denial of a General Plan Amendment and Rezone and (2:2) denial of a Use Permit & Tree Permit for the El Toyon Institute, LLC, located at 207, 211 & 215 Brook Road.

SECTION 2. The City Council has considered all of the evidence submitted at the public hearing which includes, but is not limited to:

1. Planning Commission staff report and Planning Commission adopted minutes prepared by the Community Development Department for the November 15, 2011, Planning Commission meeting.

2. Appeal filed by Shawn Batsel, on behalf of El Toyon Institute dated November 23, 2011.

3. City Council staff report prepared by the Community Development Department for the July 9, 2012 City Council meeting.

4. Project Description, Project Plans and Exhibits prepared for the General Plan Amendment, Rezone, Use Permit & Tree Permit and associated Use Permit and Tree Permit conditions of approval.

5. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (MMRP) prepared by the Community Development Department.

6. Staff presentation at the public hearing held on July 9 2012.
7. Public Comments, both written and oral, received at or before the public hearing, supporting or opposing the applicant's request.
8. All related documents received or submitted at or prior to the public hearing.
9. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

SECTION 3. In review of all of the foregoing evidence, the City Council finds the following:

1. Based upon the public record, including written comments provided by *Remy, Thomas, Moose & Manley*, dated December 12, 2012, and written comments provided by *Manatt, Phelps & Phelps* dated June 29, 2012, the project will not have a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project;

2. The project is potentially categorically exempt from the California Environmental Quality Act pursuant to 14 C.C.R. 15301 (Existing Facilities); 14 C.C.R. 15303 (New Construction or Conversion of Small Structures); 14 C.C.R. 15311 (Accessory Structures); and 14 C.C.R. 15331 (Historical Resource Restoration/Rehabilitation);

3. Based upon the whole record before the Council (including the Initial Study and all comments received), there is no substantial evidence that the project will have a significant effect on the environment and the Initial Study/Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis for the determination stated in the Initial Study/Mitigated Negative Declaration;

4. The Mitigated Negative Declaration, including a Mitigation Monitoring and Reporting Program (MMRP), is the appropriate level of environmental review for the proposed project. All of the mitigation measures identified in the Mitigated Negative Declaration have been incorporated in the

1 MMRP and these measures have been agreed to by the applicant and are fully  
2 enforceable through CEQA and applicable City Ordinances;

3 5. The General Plan Amendment is consistent with the Goals, Policies  
4 and objectives of the General Plan and will not cause the General Plan to  
5 become internally inconsistent;

6 6. The General Plan Amendment is consistent with the public interest,  
7 health, safety and welfare of the City of Auburn;

8 7. Project Conditions of Approval for the Use Permit and Tree Permit  
9 have also been provided for the project and agreed to by the applicant, to  
10 assure that the project is consistent with the City of Auburn General Plan and  
11 Zoning Ordinance.

12 8. Approval of the Use Permit will not be detrimental to the health,  
13 safety, morals, comfort, convenience or welfare of persons residing or working  
14 in the neighborhood because the proposed use will be the operation of a small  
15 non-profit center for resolving disputes and conflicts within the community, as  
16 well as teaching others to resolve similar conflicts. Furthermore, no evidence  
17 has been presented that would lead the Council to determine that any  
18 detrimental effects to the comfort or convenience of residents will take place.

19 9. Approval of the Use Permit will not be detrimental to the public  
20 welfare or injurious to property or improvements in the neighborhood or have  
21 an adverse effect on the inherent residential character of the city because the  
22 proposed use will not involve any physical impacts on the other properties or  
23 improvements nearby, and the exterior appearance of the building will remain  
24 consistent with the residences surrounding it, so that the overall character of  
25 the neighborhood will continue to be residential.

26 10. Approval of the Tree permit will not be detrimental to the public  
27 health, safety, or welfare because measures have been adopted to preserve  
28 and protect all trees onsite.

11. Approval of the tree permit is consistent with the provisions of  
Chapter 161 of the Auburn Municipal Code.

1           12. Measures have been incorporated in the project or the permit to  
2 mitigate impacts to remaining trees or to provide replacement for trees  
3 removed in accordance with the City's Tree Preservation Ordinance.

4           13. The Use Permit and Tree Permit shall not be valid until such time  
5 as the legislative General Plan Amendment and Rezone is effective.

6  
7           Section 4. The City Council of the City of Auburn does hereby approve  
8 the 211 Brook Road General Plan Amendment (GPA 11-1), subject to the  
9 Conditions of Approval attached to the July 9, 2012 City Council Staff Report.  
10 The area and property affected by the General Plan Amendment in more  
11 particularly shown on **Exhibit A** attached hereto.

12  
13           Section 5. The Auburn General Plan is hereby amended by changing the  
14 land use designation for the property shown on **Exhibit A** from Urban Low  
15 Density Residential (ULDR) to Open Space (OS).

16  
17           Section 6. All documents and materials to the proceedings for the El  
18 Toyon Institute, LLC are maintained in the City of Auburn Community  
19 Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

20  
21           Section 7. In review of all the evidence and based on the foregoing  
22 findings and conclusions, the City Council hereby adopts the environmental  
23 document prepared for the El Toyon Institute, LLC.

24  
25           Section 8. The time in which to seek judicial review of this decision shall  
26 be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall  
27 certify to the adoption of this resolution, transmit copies of the same to the  
28 applicant and his counsel, if any, together with a proof of mailing in the form  
required by law and shall enter a certified copy of this resolution in the book of  
resolutions of the City.

1 DATED: July 9, 2012

2 Kevin Hanley, Mayor

3 ATTEST:

4  
5 Joseph G. R. Labrie, City Clerk

6  
7 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
8 that the foregoing resolution was duly passed at a regular meeting of the City  
of Auburn held on the 9<sup>th</sup> day of July 2012 by the following vote on roll call:

9 Ayes:

10 Noes:

11 Absent:

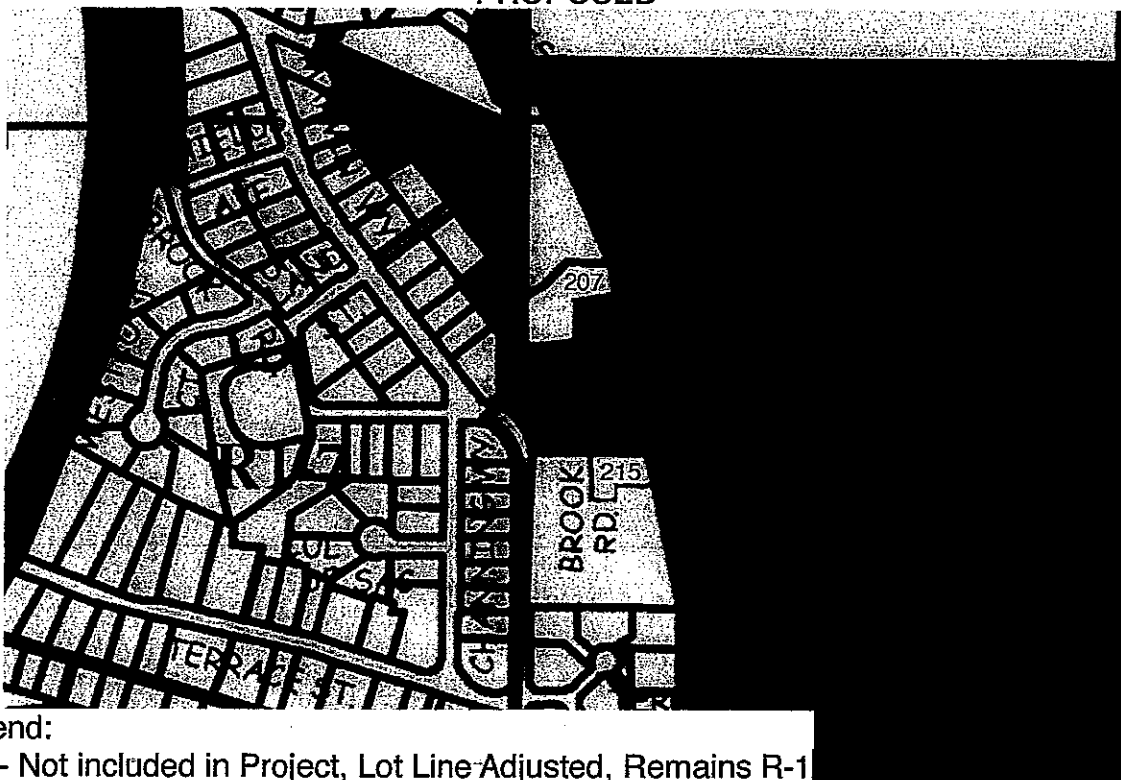
12 Joseph G. R. Labrie, City Clerk

# Proposed General Plan Ammendment

EXISTING



PROPOSED



Legend:

- 207 - Not included in Project, Lot Line-Adjusted, Remains R-1
- 211- Main Proposed Project Site, Lot Line Adjusted, Rezoned to OSC
- 215 - Proposed Parking Lot, Remains R-1



**CITY OF AUBURN  
COMMUNITY DEVELOPMENT DEPARTMENT**

**Initial Study 207, 211 & 215 Brook Road  
General Plan Amendment, Rezone, Use Permit & Tree Permit  
For “El Toyon Institute, LLC”**

**(Files # GPA 11-1, RE 11-1, UP 11-1 & TP 11-1)**

October 21, 2011

## **INITIAL STUDY**

### **207, 211 & 215 Brook Road – General Plan Amendment, Rezone, Use Permit and Tree Permit for El Toyon Institute, LLC.**

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15063 (Initial Study), the City of Auburn has prepared this Initial Study to assess the potential environmental impacts of a proposed General Plan Amendment, Rezone, Use Permit & Tree Permit for El Toyon Institute, LLC., proposed at 207, 211 and 215 Brook Road.

**Project Objective:** According to applicant, El Toyon Institute, LLC hopes to establish a nonprofit mediation and conflict resolution training center in a 19<sup>th</sup> century mansion listed on the National Register of Historic Landmarks. In addition to mediation and training, El Toyon Institute proposes to host four (4) fundraising events per year.

The owners, dba El Toyon Institute, LLC., wish to preserve the historic property for the community of Auburn by establishing a purpose and plan that sustains the costs of maintenance and upkeep of a Nationally designated Historic Landmark. The owners also plan to promote mediation, training and fundraising events in the City of Auburn.

#### **Public and Agency Review:**

This Initial Study/Mitigated Negative Declaration will be circulated for a **20-day** public and agency review commencing **October 21, 2011**. Copies of this Initial Study and cited References may be obtained at the City of Auburn Community Development Department at the address noted below. Written comments on this Initial Study/Mitigated Negative Declaration may also be addressed as noted below:

**Project title:** El Toyon Institute, LLC. (Files # GPA 11-1, RE 11-1, UP 11-1 and TP 11-1)

#### **Lead agency name and address:**

City of Auburn Community Development Department  
1225 Lincoln Way, Room 3  
Auburn, CA 95603

#### **Contact person, phone number, and e-mail:**

Lance E. Lowe, AICP, Associate Planner  
1225 Lincoln Way, Room 3  
Auburn, CA 95603  
530-823-4211 x 103  
[llowe@auburn.ca.gov](mailto:llowe@auburn.ca.gov)

#### **Project location:**

The subject property is located at 207, 211 and 215 Brook Road, immediately east of the junction of Marvin Way and Brook Road (APNS: 003-200-017, 025 & 026).

The project site is located in Section 15, Township 12N, Range 8E on the Pilot Hill 7.5-minute USGS quadrangle (*Attachment 1 – Vicinity Map and Attachment 2 – Aerial Photograph*). Approximate coordinates of the center of the site are 38° 53' 00" north and -121° 03' 60" west.

**Project sponsor's name and address:**

El Toyon Institute, LLC  
215 Brook Road  
Auburn, CA 95603  
Attn: Shawn Batsel, Project Manager

**General Plan and Zoning designation:** The General Plan Land Use designation for the subject property is Urban Low Density Residential (ULDR). The Urban Low Density Residential allows a density up to 4 dwelling units per acre with housing types consisting of single-family detached homes, patio homes, and zero lot line homes. The Zoning for the property is Residential, Single Family, minimum parcel size 10,000 square feet, which allows single-family dwellings, second units and accessory buildings on minimum parcels of 10,000 square feet.

Surrounding zoning districts are Residential Multiple Family to the north, Residential Single Family, minimum parcel size 10,000 square feet (R-1-10) to the south and west, and, Open Space to the east - *Attachment 3 – Zoning Map*).

**Surrounding Land Uses:** North and west of the project site, single family dwellings exist. South of the project site, legally non-conforming, multiple family dwellings exist. East of the project site larger open space properties owned by the Federal Government exist (*Attachment 8 – Site Photographs*).

**Environmental Setting:**

**Aesthetics:** The property is zoned R-1-10 and contains 3 contiguous parcels totaling ±2.5 acres. The main property site contains a ±640 square foot second unit and the El Toyon Estate, which is a ±2,928 square foot nationally designated historic landmark known for its Shingle Style Architecture. The property is also recognized locally in the City's resources survey conducted in 1986 (*Attachment 4 – City of Auburn Historical Resources Survey*). The other 2 smaller parcels are located to the north and south. The property to the north is identified as having a future community garden (not part of this project) and the property to the south is proposed to be used as a parking lot to serve the proposed mediation, training and fundraising events.

The historic mansion is located approximately 125 feet from the Brook Road/Marvin Way intersection. There are six duplexes adjacent the subject property on the south. The property is bordered by an R-3 zone to the north (approximately 200 feet) and two alleys surround the side (south) and front (west). The front of the property is also bordered by an alley with views of the backs of houses, garages, and fences on the west side of Brook Road. The property is served by public water and sewer. In both the front and back of the property are two fire risers. The adjacent property at 205 Brook Road, formerly El Toyon's carriage house, is also listed in the local historic inventory. Views from the property look onto the American River Canyon to the east. The American River Canyon is designated a "Scenic Corridor Area" according to the City of Auburn General Plan.

*Air Quality:* The proposed project area is within the Sacramento Valley Air Basin (SVAB) and under the jurisdiction of the Placer County Air Pollution Control District (PCAPCD). The SVAB is classified as a non-attainment area for federal standards for ozone. Placer County is also designated as a non attainment area for State ozone ambient air quality standards and non attainment for State particulate matter standards (CARB 2006).

*Biological / Cultural Resources:* Grading and paving for the proposed parking areas is required for the project area. Other than parking lot improvements proposed on the property south identified as 215 Brook Road, the entirety of the project site has been previously graded and paved, so the likelihood that biological and/or cultural resources would be impacted is slight.

*Geology and Soils:* The site topography is generally flat and has been previously graded and paved. Minor subsurface grading for the parking lot is proposed. Import of fill is anticipated to level off the parking lot. No export of fill is proposed with the project.

*Hazards and Hazardous Materials:* Based upon the historic information of the property and preliminary search of available environmental records conducted indicates that the project site is not listed as a hazardous materials site and no listed sites occur within an ASTM standard distance radius. Hazardous materials in the vicinity of the project site would typically include products commonly used in residences.

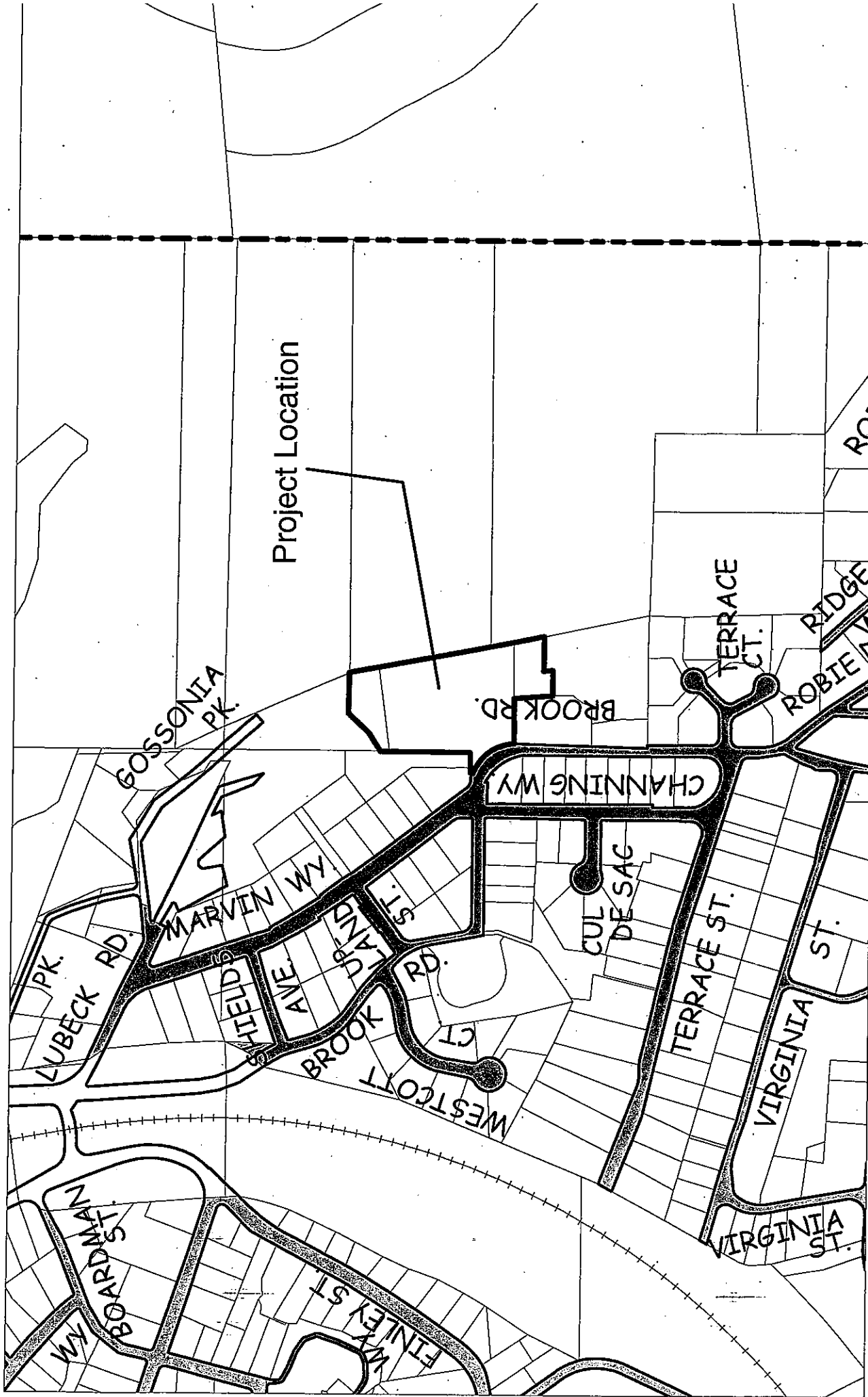
*Hydrology and Water Quality:* No natural waterways occur on the project site. The storm-drain system in the neighborhood consists of curb, gutter and sidewalk, constructed along Brook Road and Marvin Way. The entirety of the site is graded and paved and drains into the existing frontage improvements and open space lands east. No new drainage improvements are anticipated with the proposed parking lot(s). The proposed parking lots will drain via overland release and connect with the existing drainage facilities.

*Noise:* The Brook Road/Marvin Way neighborhood is a mixed density residential neighborhood consisting of single family and multiple family dwelling units. Noise in the vicinity of the project site consists of vehicular traffic and noises typical of a mixed density residential neighborhood. Other than typical residential noise, the neighborhood is generally quiet.

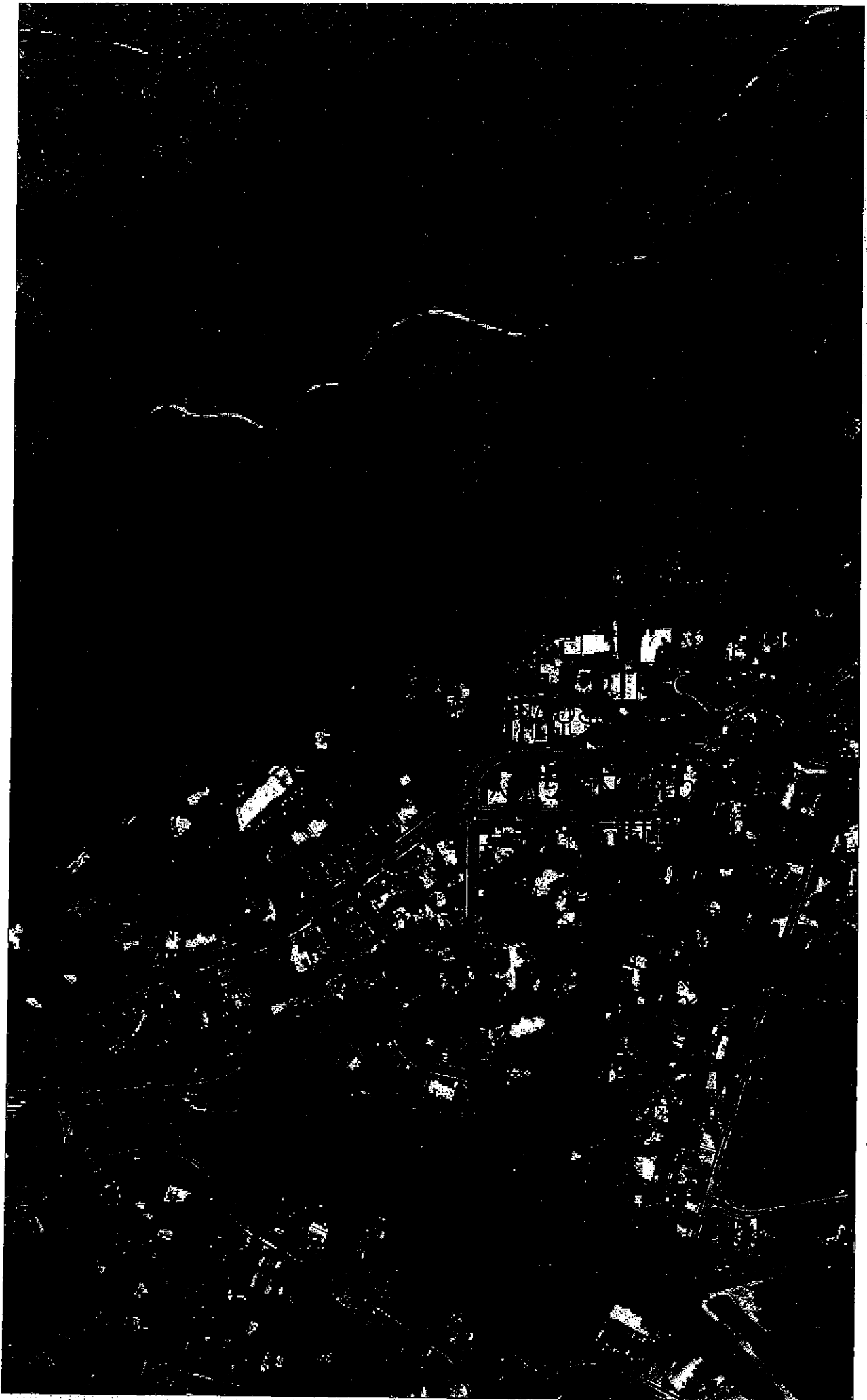
*Circulation:* The project is located at the intersection of Brook Road and Marvin Way which are City maintained roads. Brook Road is an approximate  $\pm 24$  foot paved roadway with curb, gutter and sidewalk on the east side of the street. On the west side, Brook Road contains private improvements consisting of gravel shoulders with landscaping and private backyard fencing.

Marvin Way is  $\pm 48$  foot paved street maintained by the City of Auburn. The street has been improved with curb, gutter and sidewalk with parking on both sides of the street.

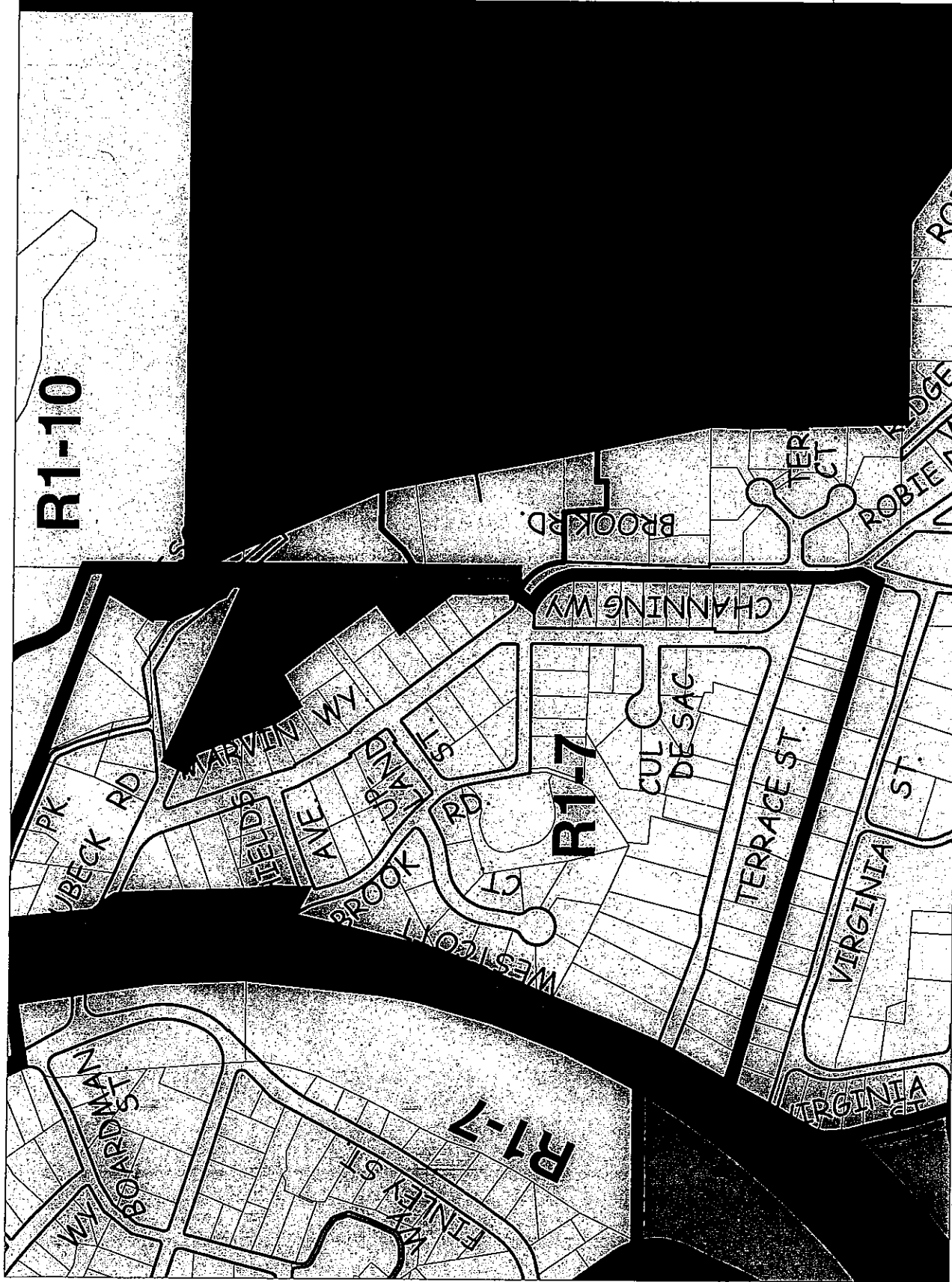
# El Toyon, LLC/209, 211 & 215 Brook Road



# El Toyon, LLC/209, 211 & 215 Brook Road



ATTACHMENT 2



# HISTORIC RESOURCES INVENTORY

Ser. No. \_\_\_\_\_  
HABS \_\_\_\_\_ HAER \_\_\_\_\_ NR 5 SHL \_\_\_\_\_ Loc \_\_\_\_\_  
UTM: A 10/668220/4306690 B \_\_\_\_\_  
C \_\_\_\_\_ D \_\_\_\_\_

## IDENTIFICATION

1. Common name: Cosby House
2. Historic name: El Toyon
3. Street or rural address: 211 Brook Road  
City Auburn Zip 95603 County Placer
4. Parcel number: 003-200-25
5. Present Owner: Eleanor Cosby Anderson Address: 1638 Staffordshire Rd  
City Lancaster Zip 93534 Ownership is: Public \_\_\_\_\_ Private X
6. Present Use: \_\_\_\_\_ Original use: \_\_\_\_\_

## DESCRIPTION

- 7a. Architectural style: Eastlake/Queen Anne
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

Situated in the middle of a manicured, extensively landscaped yard, the two-story residence at 211 Brook Road is built on an irregular plan and utilizes a combination of roof detailing. A main center wing is covered by a gable roof with plain, boxed cornice and frieze. Two street-facing, polygonal wings are capped by low tent roofs. An additional rear six window bay makes use of three angles and a hipped roof line. An open porch with shelf detailing above the structural opening and a flat roof supported by columns offer entry to the main gabled wing. Windows are double hung and the entire roof and building exterior are of wooden shingles.

8. Construction date:  
Estimated 1888 Factual \_\_\_\_\_
9. Architect \_\_\_\_\_
10. Builder \_\_\_\_\_
11. Approx. property size (in feet)  
Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
or approx. acreage 1.9 AC
12. Date(s) of enclosed photograph(s)  
July 1986



13. Condition: Excellent ☒ Good \_\_\_\_\_ Fair \_\_\_\_\_ Deteriorated \_\_\_\_\_ No longer in existence \_\_\_\_\_
14. Alterations: None known
15. Surroundings: (Check more than one if necessary) Open land \_\_\_\_\_ Scattered buildings ☒ Densely built-up \_\_\_\_\_  
Residential \_\_\_\_\_ Industrial \_\_\_\_\_ Commercial \_\_\_\_\_ Other: \_\_\_\_\_
16. Threats to site: None known \_\_\_\_\_ Private development \_\_\_\_\_ Zoning \_\_\_\_\_ Vandalism \_\_\_\_\_  
Public Works project \_\_\_\_\_ Other: \_\_\_\_\_
17. Is the structure: On its original site? ☒ Moved? \_\_\_\_\_ Unknown? \_\_\_\_\_
18. Related features: Grounds and gardens

### SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

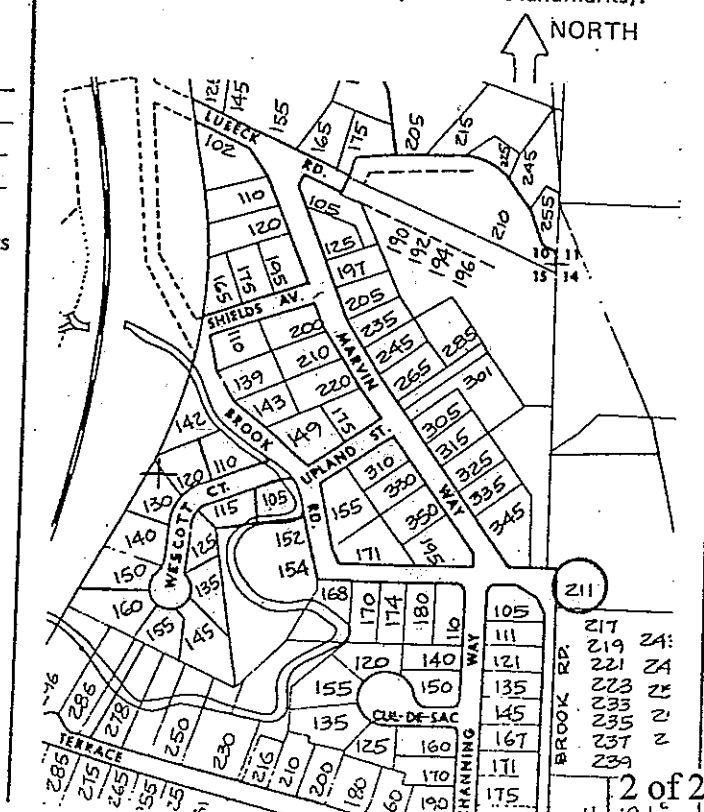
In 1876, Colonel Walter Scott Davis decided to settle in the Auburn area and shortly thereafter invested in a mine at Mammoth Bar on the American River. When he came to Auburn, Colonel Davis, who had fought in the Civil War, had three children, Charles, Howard, and Elizabeth Mary (who was called Lil) and his wife, Nellie Larken Davis. Colonel Davis also received a Land Grant from President Arthur for 160 acres east of the railroad tracks on a ridge overlooking the American River Canyon. The house at 211 Brook Road called El Toyon is the home of Colonel Davis which was build for his wife and family. When Colonel Davis (the family lived at Mammoth Bar before the house was completed) died in 1907, his daughter, Lil, who by this time was Mrs. Roumage, took over the home. In 1919, the house and some acreage including the carriage house and stables was sold to Frank A. Stanley. Mr. Stanley was known as Pa to the neighborhood and could be seen sitting under a large tree typing away on his typewriter. Mr. Stanley, who had only a third grade education, could solve most any mathematical problem and during his lifetime authored books on machinery; the most notable being The American Machinist Handbook, the 8th edition of which was published by McGraw Hill in 1945. Mr. Stanley wrote: Grinding Practices; Gear Cutting Practices; Turning and Boring Practices; and Drilling and Surfacing Practices. (SEE ATTACHED SHEET)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
Architecture 1 Arts & Leisure \_\_\_\_\_  
Economic/Industrial \_\_\_\_\_ Exploration/Settlement \_\_\_\_\_  
Government \_\_\_\_\_ Military \_\_\_\_\_  
Religion \_\_\_\_\_ Social/Education \_\_\_\_\_
21. Sources (List books, documents, surveys, personal interviews and their dates).

Interview with Victor Roumage; 10/86

22. Date form prepared Oct. 16, 1986  
By (name) Mary Ann Kollenberg  
Organization Historic Survey  
Address: 1103 High Street  
City Auburn Zip 95603  
Phone: 823-4244

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



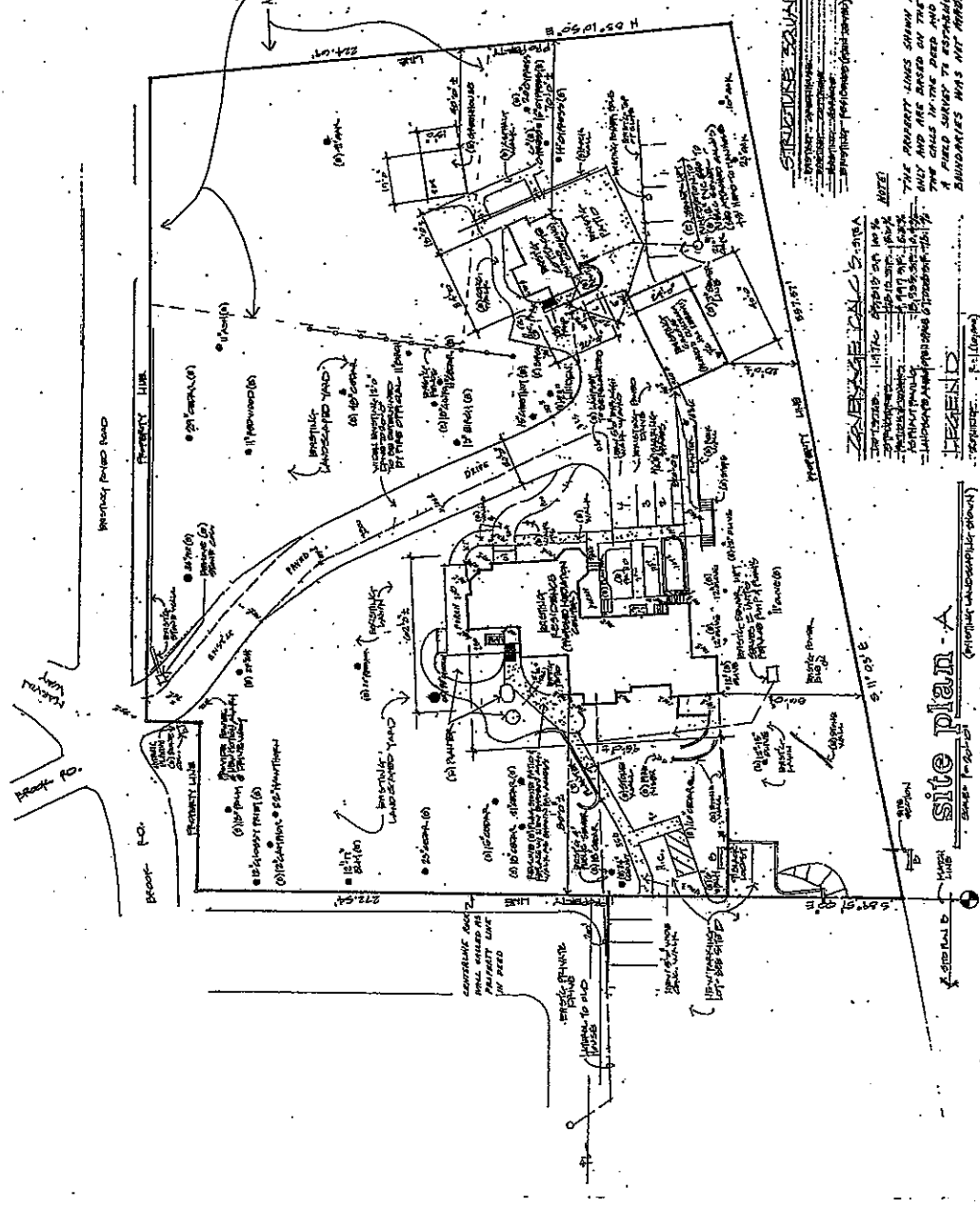


2

NOTES:  
1. THIS SITE PLAN IS FOR THE PROPOSED CONSTRUCTION OF A 100,000 SQ. FT. INDUSTRIAL BUILDING ON A 1.00 AC. LOT.  
2. THE BUILDING WILL BE A SINGLE STORY STRUCTURE WITH A FLAT ROOF.  
3. THE SITE PLAN SHOWS THE BUILDING FOOTPRINT, DRIVEWAYS, AND UTILITY LOCATIONS.  
4. THE PROPOSED CONSTRUCTION WILL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ZONING ORDINANCES.  
5. THE SITE PLAN IS BASED ON A SURVEY DATED APRIL 11, 1968.  
6. THE SURVEY WAS CONDUCTED BY HARRY A. TOLON, A PROFESSIONAL SURVEYOR.  
7. THE SITE PLAN IS SUBJECT TO APPROVAL BY THE CITY OF CHICAGO DEPARTMENT OF PLANNING AND DEVELOPMENT.

Sheet index

- 1. SITE PLAN - 100,000 SQ. FT. INDUSTRIAL BUILDING
- 2. SITE SECTIONS
- 3. WALKWAY PLAN
- 4. DRIVEWAY PLAN
- 5. UTILITY PLAN
- 6. PROPOSED CONSTRUCTION



STRUCTURE SQUARE FOOTAGE  
TOTAL SQUARE FOOTAGE: 100,000  
GROSS SQUARE FOOTAGE: 100,000  
NET SQUARE FOOTAGE: 100,000

THE PROPERTY LINES SHOWN ARE APPROXIMATE  
ONLY AND ARE BASED ON THE SURVEYOR'S MAP.  
THE CHAINS IN THE FIELD AND CHAINING REMAINS  
WILL BE USED TO DETERMINE THE EXACT PROPERTY LINES.  
SURVEYOR'S NAME: HARRY A. TOLON

site plan - A  
DATE: APR 11 1968  
DRAWN BY: HARRY A. TOLON

OWNER  
HARRY A. TOLON  
100,000 SQ. FT. INDUSTRIAL BUILDING  
1.00 AC. LOT

APR 11 1968 10:25-00  
VICTORY MAP  
ADDRESS: 100,000 SQ. FT. INDUSTRIAL BUILDING



[illegible]

GRAVITY: 100000

Top of Forest - Station  
Top of Forest - Station  
Top of Forest - Station

SWT/FALL 2021

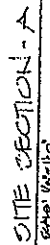
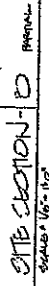
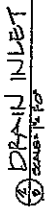
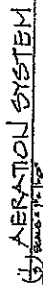
APN: 003-200-27-00

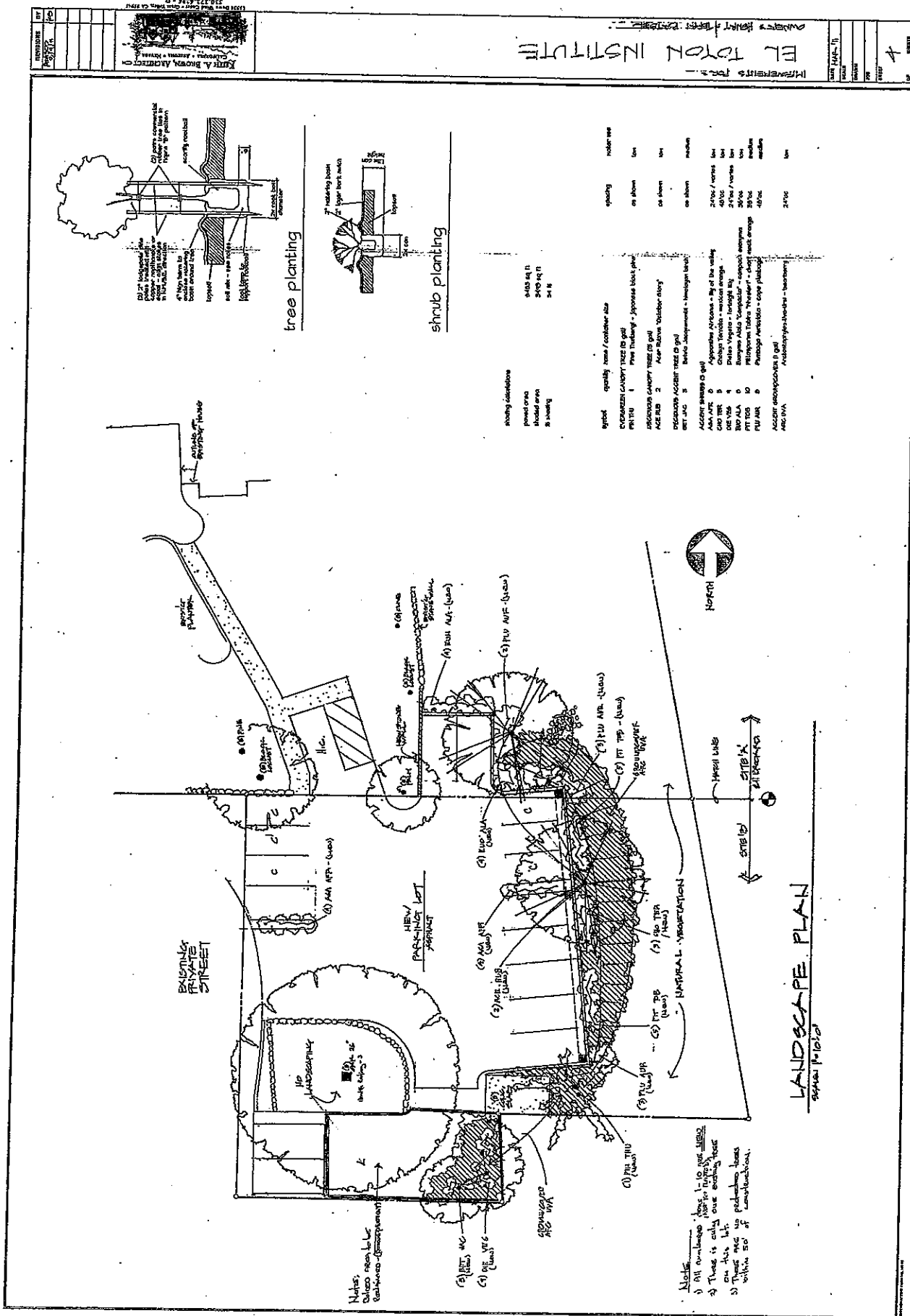
Zwinger

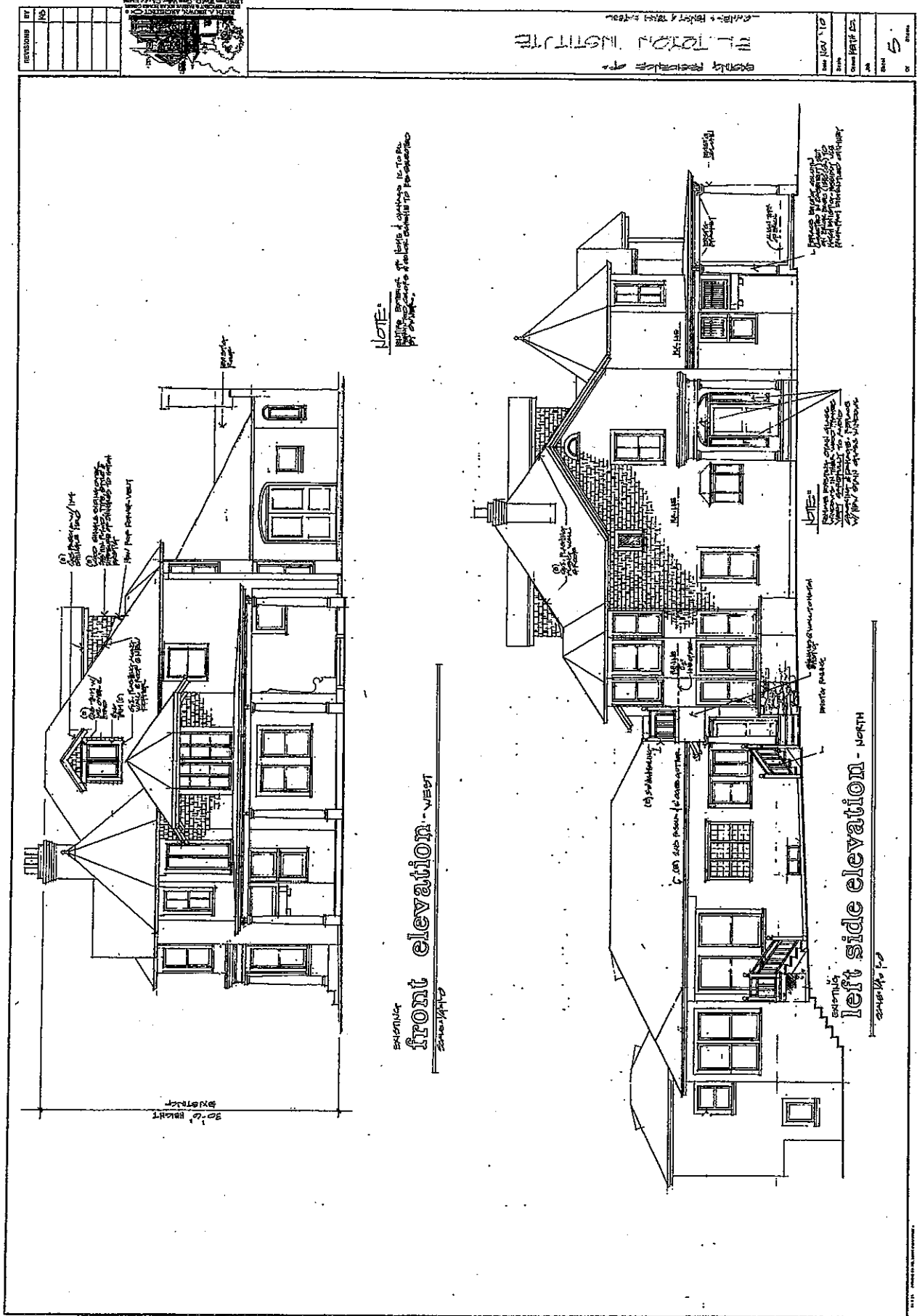
THAYER & TAYLOR PARTNERS  
720 16th STREET NW  
WASHINGTON, D.C. 20004  
(202) 462-6976

Legend

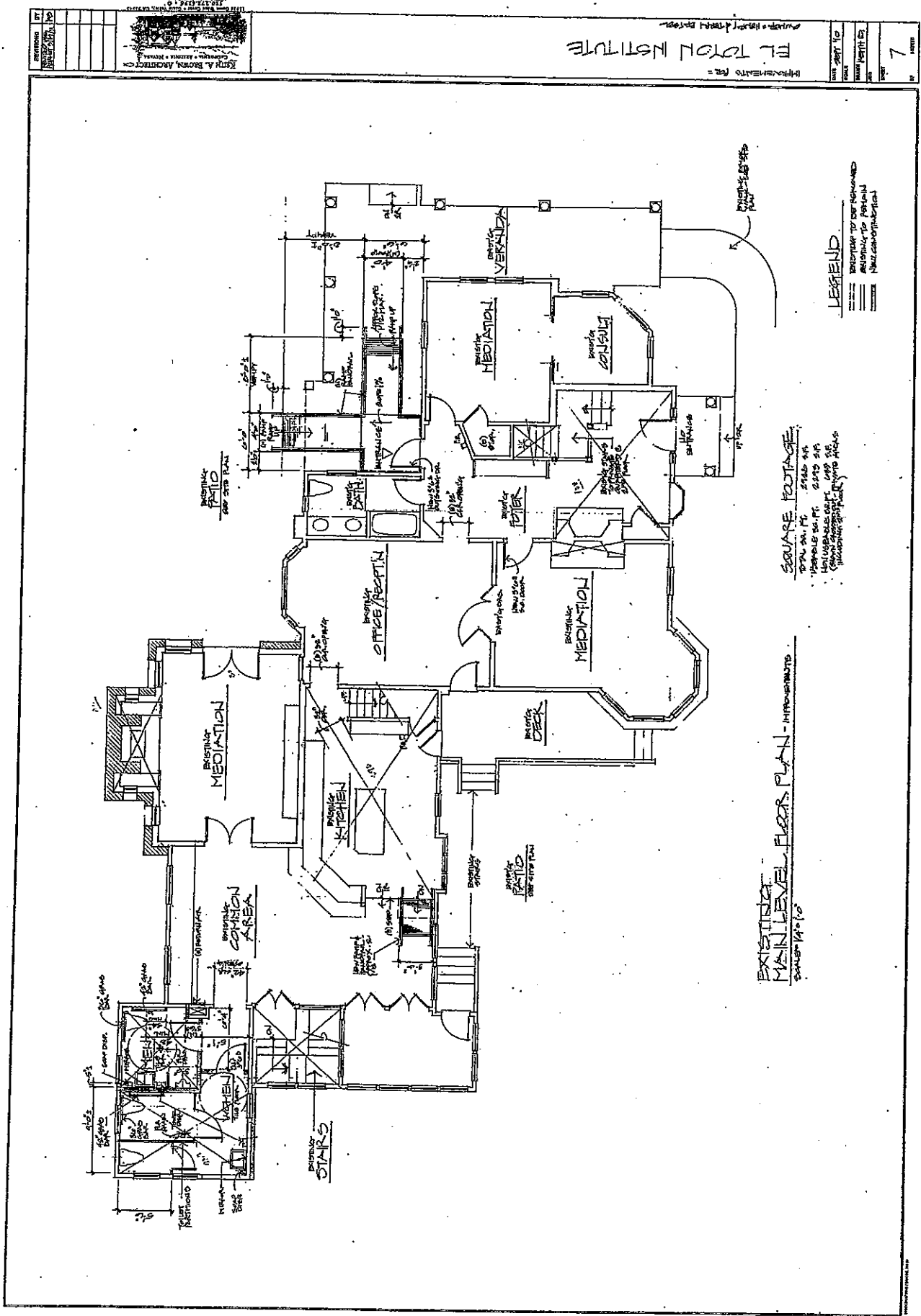
127 AC  
R-1 (10,000)











## PROJECT DESCRIPTION:

El Toyon Institute (ETI) proposes a General Plan Amendment, Rezone, Use Permit & Tree Permit for a proposed mediation and training facility to be located at 207, 211 & 215 Brook Road. In addition, ETI also proposes 4 fundraising events each year.

The project consists of three parcels totaling  $\pm 2.5$  acres. The first parcel at 207 Brook Road is undeveloped. The property includes a boundary line adjustment to reconfigure the property line to coincide with the General Plan Amendment and Rezone (*Attachments 6 & 7 – General Plan Amendment & Rezone Exhibits*). The second parcel 211 Brook Road, is the location of a second unit and the historic residence known as El Toyon (*Attachment 4 – Historic Resources Survey dated 1986*). El Toyon is a locally recognized historic resource that has been placed on the National Register of Historic Places on March 31, 2010 for its distinctive Shingle Style of Architecture. The 211 Brook Road property will be used for education; as a library; and, mediation retreat center. The ground floor of the residence would be used as a non-profit mediation center. The upper floor would remain private. The useable space on the main level is  $\pm 2,293$  sq. ft. A  $\pm 640$  square foot second unit may also be used for mediation. In addition, ETI hopes to convert an existing  $\pm 960$  square foot garage into a class room which would be used for training purposes. The converted garage will be  $\pm 768$  square feet with accessible bathrooms. The third adjacent parcel to the south identified as 215 Brook Road, would be used for parking. The proposed parking lot contains 23 off street parking spaces.

### Entitlements:

The following project entitlements will be considered by the City Council with a recommendation from the Planning Commission:

### General Plan Amendment:

The General Plan is proposed to be amended from Urban Low Density Residential (ULDR) to Open Space (OS). The ULDR designation allows for a combination of lower urban residential densities. Housing types under this density are primarily single-family detached homes, patio homes, and zero lot line homes. Building intensities may be up to a maximum of four units per acre.

The Open Space designation provides for the preservation of land in its natural state and allows the development of trails, bike paths, and parks and includes all of the Auburn Recreation District facilities (*Attachment 6 – General Plan Amendment Exhibit*).

### Rezone:

A Rezone from Residential Single Family, Minimum Parcel Size 10,000 to Open Space Conservation (OSC) is also proposed. The residential designation allows for single family residential and accessory uses on minimum parcel sizes of 10,000 square feet. Based upon the property size solely, approximately 9 single family dwellings could be constructed on the property.

The zoning is proposed to be amended to Open Space Conservation (OSC). According to the Auburn Zoning Code, Open Space Conservation Uses are defined as:

- a) Public recreation and education;

- b) The enjoyment of scenic beauty;
- c) The conservation or use of natural resources;
- d) The production of food and fiber;
- e) The protection of human and his or her artifacts (buildings, property, and the like); and,
- f) The containment and structuring of urban development.

A Rezoning Exhibit is attached herewith as **Attachment 7**

#### **Use Permit:**

In the Open Space Conservation (OSC) zone, "Charitable, Research, and Philanthropic Institutions" and "Unique privately-owned facilities and historic sites" are permitted with approval of a Use Permit in accordance with Section 159.405 et seq. of the Auburn Zoning Ordinance. The Use Permit will be considered concurrently with the General Plan Amendment, Rezone and Tree Permit.

#### **Tree Permit:**

A tree permit is required for any regulated activity within the critical root zone of a protected tree where the encroachment exceeds 20% of the critical root zone, or where the regulated activity is related to a discretionary permit (i.e. Use Permit).

According to the Arborist Report prepared for the project by *Randall Frizzell & Associates dated March 12, 2011*, there is one Blue Oak tree which will be impacted by the proposed parking lot improvements. Recommendations provided by the Arborist to preserve the Blue Oak tree are imposed via conditions of the project.

#### **Boundary Line Adjustment:**

An administrative approval of a boundary line adjustment will also be considered with the project. The boundary line adjustment will reconfigure the 207/211 Brook Road property to coincide with existing improvements to be used for mediation and training events (*Attachments 6 & 7*).

#### **Mediation:**

Mediation is proposed in the El Toyon Estate and second unit. According to the applicant, Mediation is the process of refined communication in which parties work through issues with a neutral facilitator or facilitators. Mediation is voluntary to both the mediator and to the parties (anyone can call it off at any time). The parties draft their own agreements and mediation notes are shredded. In California, the process in its entirety is protected by confidentiality statutes for the purpose of discovery. There are no offices, no office desks, no work product, no advice given, and no file cabinets. Mediations, due to their confidential and sensitive nature could only be done one at a time and therefore could facilitate two mediations a day, operating week days between the hours of 9 a.m. to 5:30 p.m. A typical mediation would involve two parties and would last four to five hours.

Hours of Operation for Mediation Services are: 2 mediations per day (8 people maximum) 9:00 a.m. to 5:30 p.m.

ETI also plans to collaborate with other local non-profits (i.e. Boys and Girls Club of Auburn), governmental agencies (i.e. Auburn Police and Placer County Sheriff), schools (i.e. Auburn Union Elementary and Placer Union High School Districts), and local churches by bringing activities including training and mediation to their sites.

#### **Class Instruction:**

ETI plans on converting an existing  $\pm 960$  square foot garage into a  $\pm 768$  square foot 30 student classroom with accessible (ADA) bathrooms. Upon completion of construction, the trainings would be moved to the converted garage allowing concurrent break-out mediations in the historic residence and the second unit. Training subjects would include communication techniques, negotiation, mediation, non-violent communication, restorative justice and other similar topics the community shows an interest in through period surveys.

Class instruction is planned to be conducted an estimated 40 times during the year from 8 a.m. to 5 p.m. Class Instruction: (10 days per quarter) Thursday-Saturday 8:00 a.m. to 5:00 p.m.

#### **Fundraising Events:**

ETI also requests the option of hosting 4 outdoor fundraising events per year for local non-profit and government projects. Meals would be catered by outside vendors, if food is to be served. Fundraisers would be held on the weekend (Friday night, Saturday or Sunday), with the event terminating at 10 p.m. No loud sources of music or noise will be allowed. Fundraisers would be for approximately 60 guests and an estimated event staff of 10 persons. ETI proposes to utilize off-site parking facilities to mitigate excess parking demands (*Attachment 10 - Tentative Lease Agreement*).

#### **Access and Improvements:**

Two points of access are proposed for the project. The existing main access is off of the intersection of Brook Road and Marvin Way identified as 215 Brook Road. The main access is currently 12 feet in width and is approximately 200 feet in length. Although not required by the Fire Department, the existing access is proposed to be widened to 20 feet in width for its entire length.

An existing secondary access is approximately 70 feet to the south from the main access. The second access provides access to an existing parking lot for the apartments to the south. The access will be used to serve the proposed parking lot for the project site located east of the existing parking lot.

#### **Grading/Retaining Walls/Fencing:**

Minor grading to extend the width of the driveway is proposed. In addition, grading for the proposed parking areas will occur and require a 5 foot retaining wall along the east side of the proposed parking area. Import of fill is anticipated to build up the parking lot to existing grade. No export of fill is proposed.

New walls and fencing are not proposed.

### **Parking:**

According to the site plan, the total proposed off-street parking is 16 full size spaces, 6 compact spaces and one van accessible (ADA) parking space. As shown on the site plan, parking space dimensions are 9 feet by 18 feet in length and have a backing distance of at least 25 feet. Compact parking space dimensions are 8 feet by 18 feet in length and have a backing distance of at least 25 feet. One van accessible parking space of 9 by 18 with an loading area of 8 feet is also proposed.

For single family dwellings and second units, 3 parking spaces are required. For mediation and training services which are anticipated to occur simultaneously, 1 space per 400 square feet is required for mediation (office use) and 1 parking space per 3 students is required for training. Accordingly, 7 parking spaces are required for mediation ( $2,933 \text{ sq. ft. (El Toyon residence and second unit)} / 400 = 7.33 = 7$ ). Training services in a  $\pm 768$  square foot classroom with an occupant load of 1 person per 20 square feet equals a maximum occupant load of 38 persons. Using a ratio of 1 parking space per 3 persons, 12.6 or 13 parking spaces are required.

Fundraising events for  $\pm 60$  guests and 10 event staff would generate a parking need of 28 parking spaces using a ratio of 1 parking space per 2.5 persons.

The project will be subject to parking standards of the City in accordance with Section 159.167 of the City Municipal Code. The parking space requirements shall be subject to a recommendation by the Planning Commission and determined by the City Council considering the project.

### **Landscaping:**

A preliminary landscaping plan has been submitted with the project for the parking lot (Page 5 of 8). The applicant will be required to submit final detailed landscape and irrigation plans together with improvement plans for the parking lot.

The existing grounds are currently landscaped. No new landscaping is proposed on the existing grounds.

### **Lighting:**

Lighting of the site is proposed with existing entryway and driveway lighting. In addition, existing building lighting is located at the front and rear of the El Toyon house and second unit.

New lighting will be required in the parking lot and pedestrian path areas which shall comply with City of Auburn lighting standards for parking lots and pedestrian paths. The project will include the standard conditions that glare shields will be provided for fixtures on an as needed basis to shield light from adjoining properties.

### **Offsite Improvements:**

No offsite improvements are proposed or anticipated as part of the proposed project.

**Regulatory Setting and Required Agency Approvals:**

No Responsible and/or Trustee Agency permits are required. The following City of Auburn approvals are required prior to approval of the project.

City Council – Approval of legislative and discretionary entitlement(s) consisting of a General Plan Amendment, Rezone, Use Permit, & Tree Permit.

City of Auburn Department of Public Works – Boundary Line Adjustment and Improvement Plan approvals;

City of Auburn Community Development Department – Site Plan, Building Plan Approvals and Conditions of Approval compliance verification.

City of Auburn Building Department – Issuance of Building, Mechanical, Plumbing and Electrical Permits;

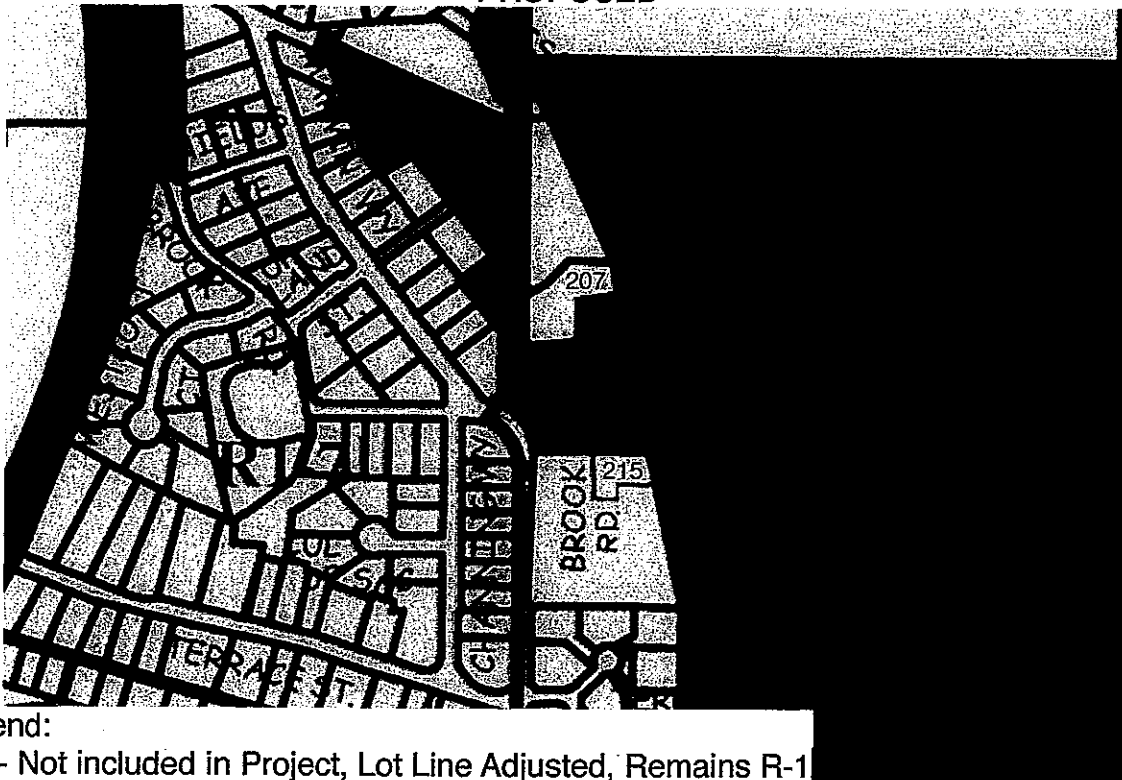
City of Auburn Fire Department – Site Plan and Building Plan Approvals.

# Proposed General Plan Ammendment

EXISTING



PROPOSED



Legend:

207 - Not included in Project, Lot Line Adjusted, Remains R-1

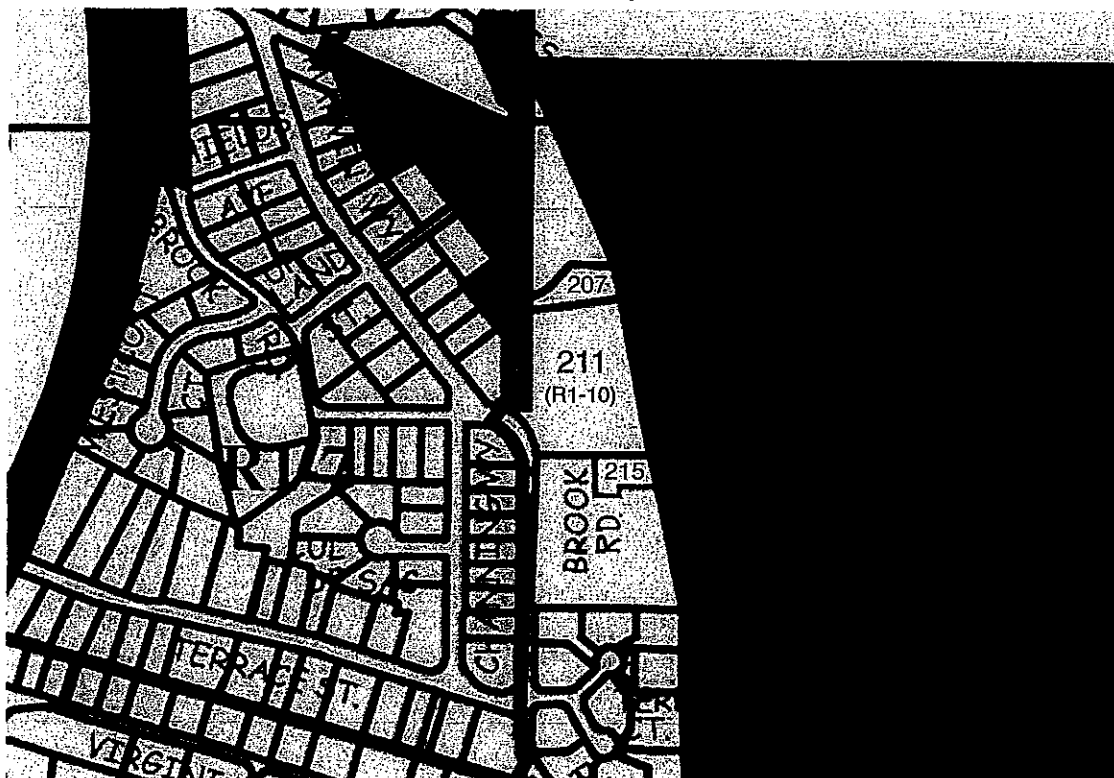
211- Main Proposed Project Site, Lot Line Adjusted, Rezoned to OSC

215 - Proposed Parking Lot, Remains R-1

ATTACHMENT 6

# Rezoning Proposal

EXISTING



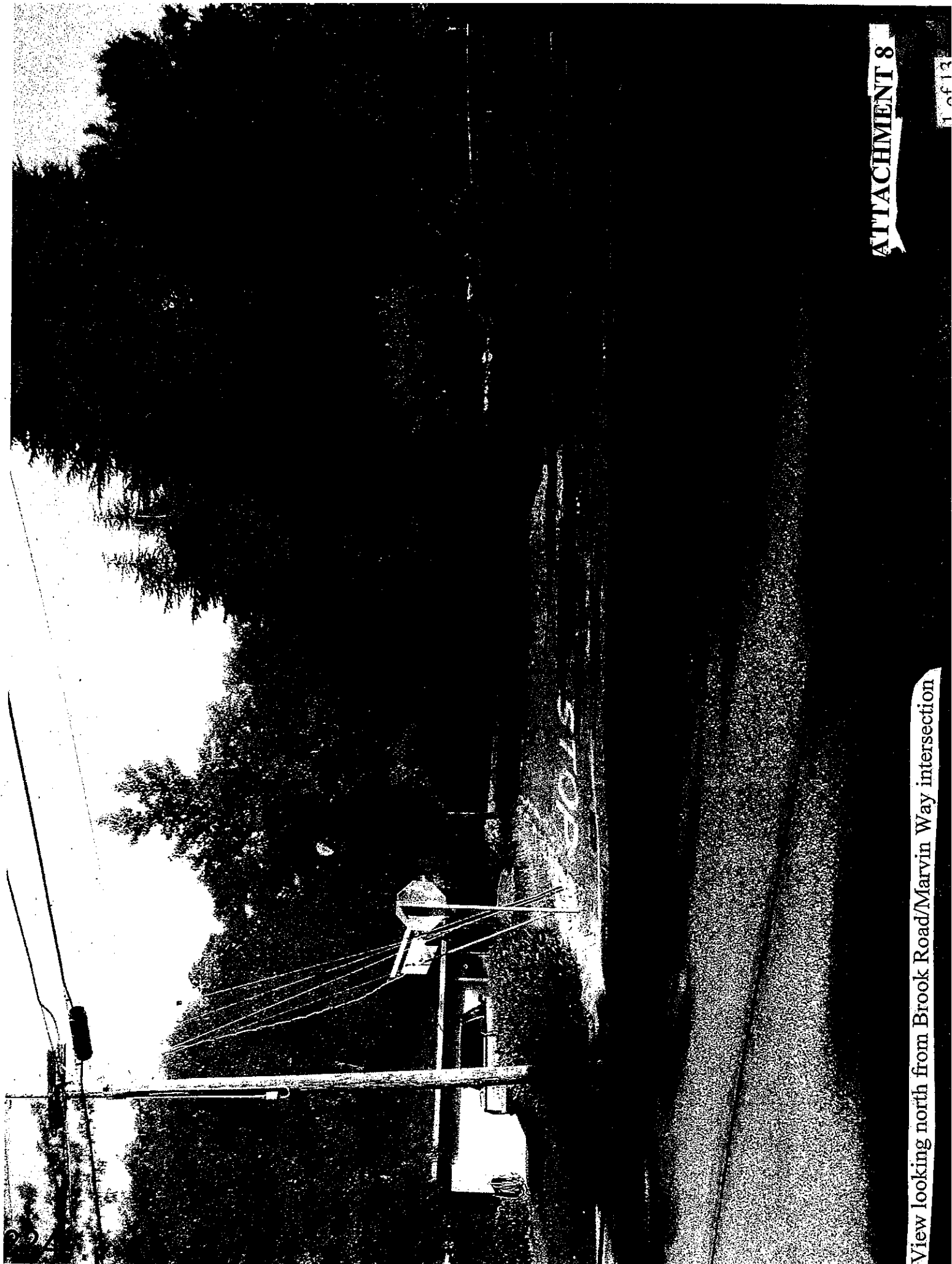
PROPOSED



## Legend:

- 207 - Not included in Project, Lot Line Adjusted, Remains R-1
- 211- Main Proposed Project Site, Lot Line Adjusted, Rezoned to OSC
- 215 - Proposed Parking Lot, Remains R-1

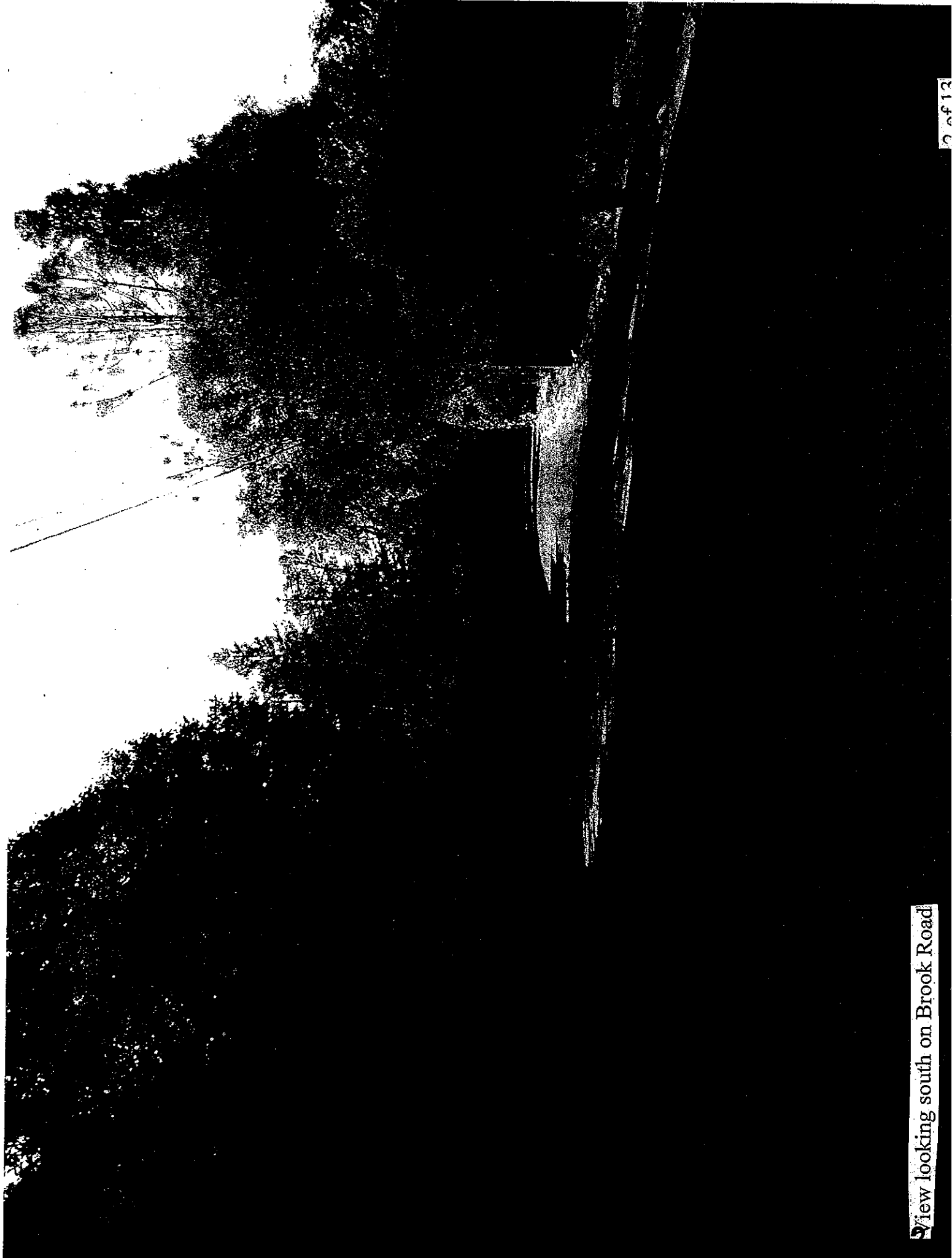
ATTACHMENT 7



View looking north from Brook Road/Marvin Way intersection

ATTACHMENT 8

1 of 13



View looking south on Brook Road



View looking east at 215 Brook Road (main driveway)

View looking east at parking lot driveway





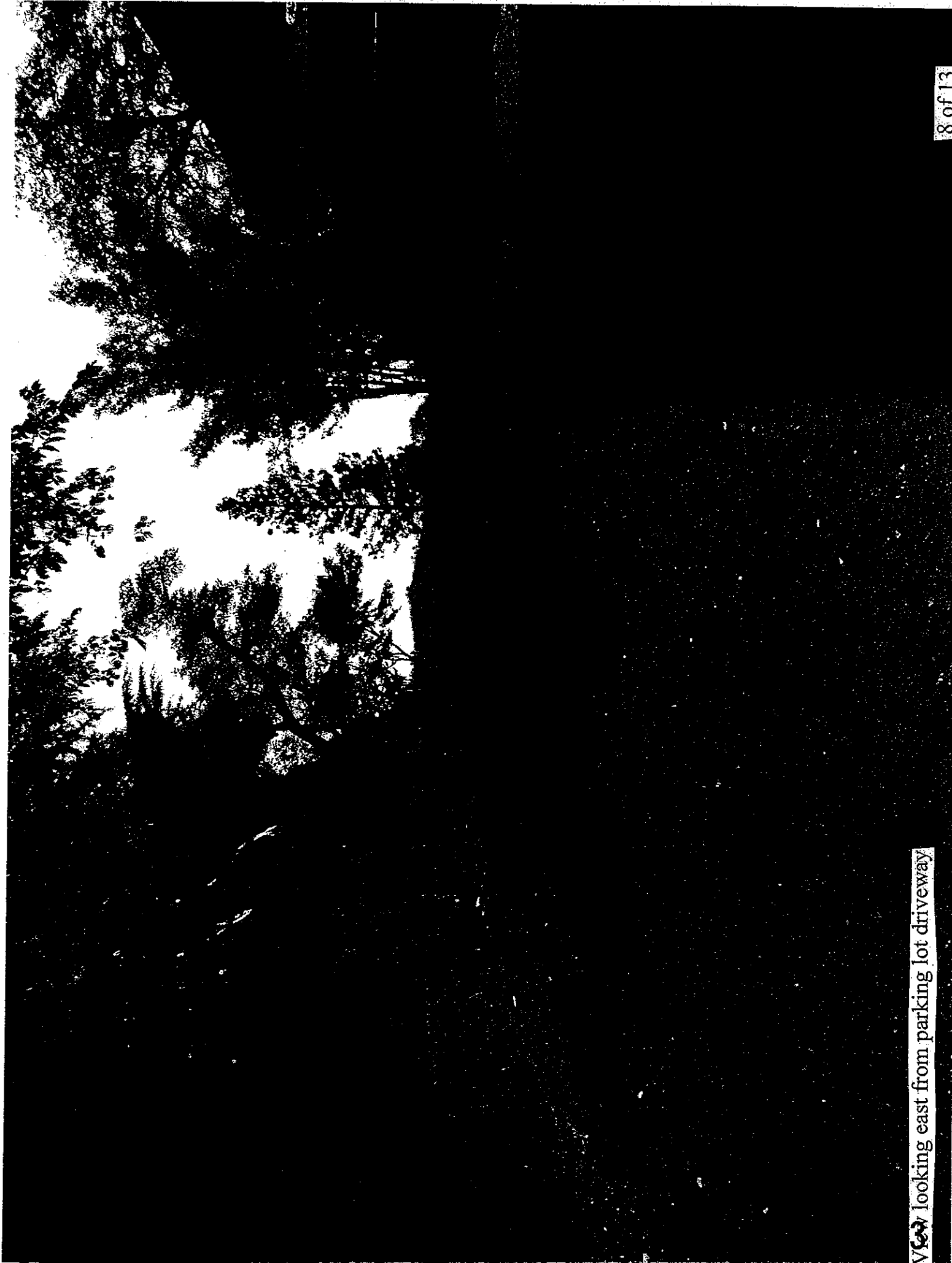
View looking north along Brook Road



View looking south along Brook Road



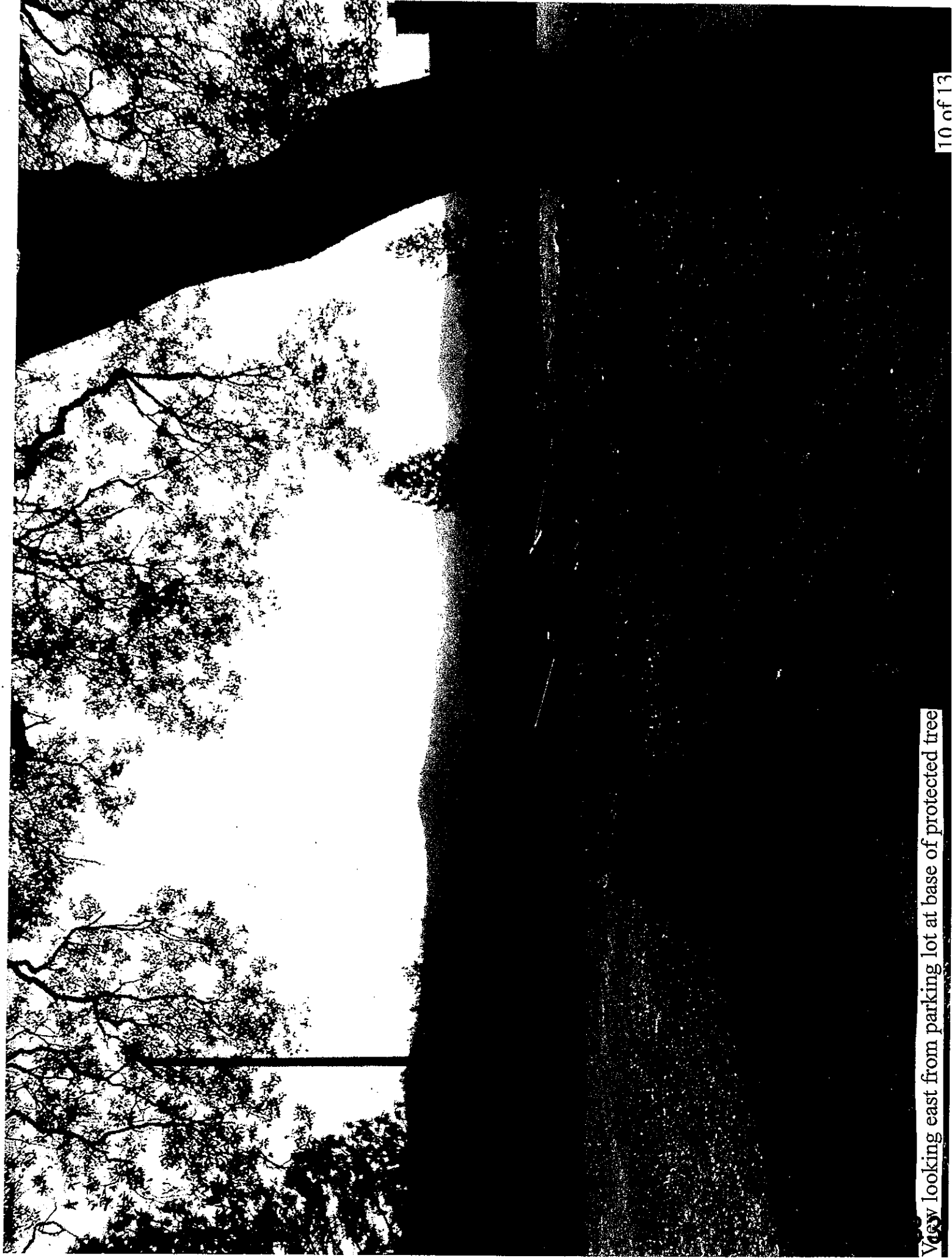
View looking northwest at Brook Road/Marvin Way intersection



View looking east from parking lot driveway



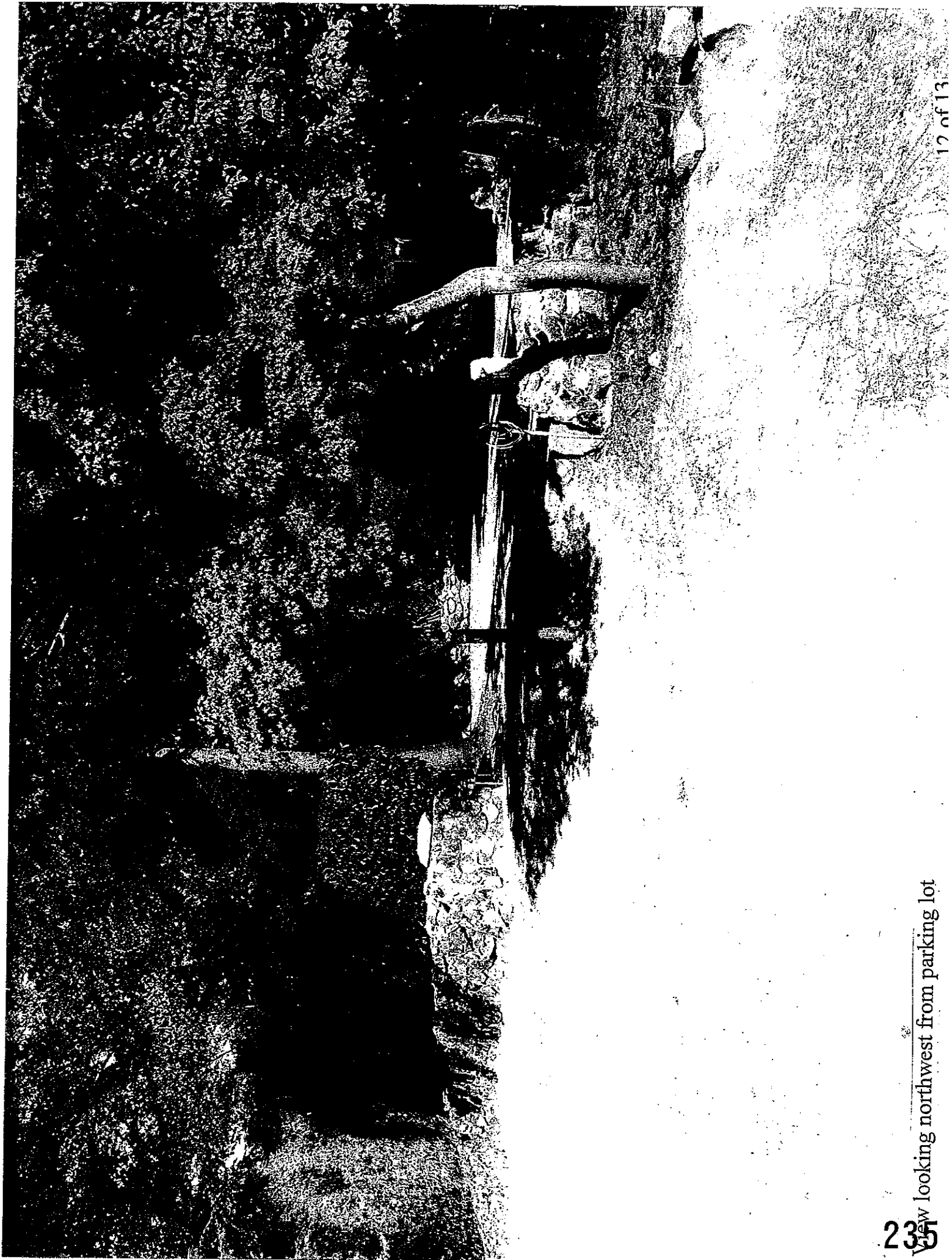
View looking east from parking lot



View looking east from parking lot at base of protected tree



View of protected tree



235 <sup>42°</sup> View looking northwest from parking lot



View looking west from parking lot

### Evaluation of Environmental Impacts:

- 1) A brief explanation is required for all answers except "NO Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to a project like the one involved (e.g. the project falls outside a fault rupture zone). A "NO Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) **"Potentially Significant Impact"** is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
- 4) **"Potentially Significant Unless Mitigation Incorporated"** applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) **"Less-Than-significant Impact:"** Any impact that is expected to occur with implementation of the project, but to a less than significant level because it would not violate existing standards.
- 6) **"No Impact:"** The project would not have an impact to the environment.
- 7) Earlier analyses may be used where, pursuant to Tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration.
- 8) Lead agencies are encouraged to incorporate into the checklist reference to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture Resources         | <input type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology/Soils           |
| <input type="checkbox"/> Greenhouse Gases                   | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning Housing          | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation              |
| <input checked="" type="checkbox"/> Transportation/Traffic  | <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> None                    |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

**DETERMINATION:** (To be completed by the Lead Agency) On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Lance E. Lowe, AICP, Associate Planner

10/17/11  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS:

### I. AESTHETICS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### SETTING

The aesthetic value of an area is a measure of its visual character and quality, combined with the viewer response to the area (*Federal Highway Administration, 1983*). The visual quality component can best be described as the overall impression that an individual viewer retains from residing in, driving through, walking through, or flying over an area. Viewer response is a combination of viewer exposure and viewer sensitivity. Viewer exposure is a function of the number of viewers, the number of views seen, the distance of the viewers, and the viewing duration. Viewer sensitivity relates to the extent of the public's concern for a particular view shed (*U.S. Bureau of Land Management, 1980*).

The project site is characterized by single and multiple family dwelling units to the north, south and west. Property to the east consists of large open space lands which view the American River Canyon and are owned and managed by the Federal Government.

According to the City of Auburn General Plan, views to the east overlook the American River Canyon/Highway 49 Area which has been identified in the City of Auburn General Plan as one of several important view sheds as described below:

**"Highway 49** – This route includes all of Highway 49 located in Placer County. The current alignment begins at the Placer/El Dorado County line at the American River and proceeds up the American River Canyon through the City of Auburn and north to the Placer/Nevada County line at Bear River. This route is an important link in the "Golden Chain" which winds through the historic Mother Lode country and is included in the State Scenic Highway Master Plan. With the planning area, Highway 49 is characterized by urban landscapes both in the City and County, and rural native landscapes north of Joeger Road to the Nevada County line."

City of Auburn General Plan Goal 6 and corresponding Policy 6.1 noted below serve to preserve and protect open space areas identified as having scenic value:

**Goal 6:** Protect Visual Resources.

**Policy 6.1:** Enhance and protect scenic resources visible from scenic routes in the Auburn Area.

No other scenic resources including: trees or rock outcroppings exist on the property. A historic building is located on the property; however, it is not within a scenic highway.

Sources of existing light in the project area are streetlights, buildings and parking lot lighting on Brook Road and Marvin Way. Other sources of light and glare include vehicles traveling along Brook Road and Marvin Way.

**IMPACTS**

- a)-c) Under the current zoning, the subject property could eventually be developed with single family dwellings. The project adjoins an area of the City that has been identified as an important scenic corridor area known as the American River Canyon/Highway 49 area. The project would preserve the view from the City-designated scenic corridor from Brook Road by placing the property into Open Space Conservation (OSC) Zone; a more restrictive zone than currently exists.

A project would normally have a substantial adverse effect on a scenic vista where it obstructs views from a designated scenic highway or arterial roadway, or through removal of natural features or addition of man-made features or structures which degrades the visual intactness and unity of the scenic vista.

The proposed project is anticipated to preserve scenic resources, such as the Historic El Toyon residence and views from Brook Road looking east into the American River Canyon. No impact will occur.

- d) New light sources for the project would include additional lighting for the driveway, parking areas and additional headlights from traffic generated by the project.

The project will provide additional lighting for the parking lot areas thereby creating an additional source of light or glare which may affect day or nighttime views. Standard conditions of approval will be imposed to ensure that a minimum illumination of 1 foot candle for parking lots and 0.25 foot candle for pedestrian paths is achieved. In addition, exterior lighting shall be designed and installed in a manner that will not direct light or glare onto adjoining properties and streets. Glare shields will also be required to direct light downward as necessary. This impact is considered a less than significant impact.

## II. AGRICULTURE RESOURCES –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

### SETTING

The proposed project site is situated on land that has been zoned for residential use by the City of Auburn. No current agricultural operations exist on the proposed project site or surrounding properties.

### IMPACTS

- a)-c) No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is found within the proposed project area. The proposed project site has been zoned for residential use and is surrounded by urban uses. Since no farmland exists within the project area, the proposed project will not involve conversion of farmland. No impact will occur.

## III. AIR QUALITY –

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	-----------

*Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.*

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## SETTING

The project is located within the Sacramento Valley Air Basin (SVAB) portion of Placer County. The SVAB is classified as a severe non-attainment area for federal health based on ambient air quality standards for ozone. In addition, Placer County is also designated as a serious non-attainment area for State ozone ambient air quality standards and non-attainment for State particulate matter standards.

### *Pollutants*

Ozone is a pollutant that is not directly emitted, but is formed when oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROG) undergo a photochemical reaction in the presence of sunlight. This photochemical reaction occurs most readily during the summer ozone season, and therefore emissions of ROG and NO<sub>x</sub> are of most concern during the summer months. The District works to control ozone levels by controlling NO<sub>x</sub> emissions.

### *NO<sub>x</sub> in the region.*

Particulate matter (PM<sub>10</sub>) is the term used for a mixture of solid particles and liquid droplets found in the air. These particles are small enough to enter the human lungs and cause respiratory and other health problems. Common sources of particulate matter include motor vehicles, industrial emissions, and airborne dust from agricultural and construction activities.

## IMPACTS

- a)-e) The site has been previously graded and paved for the existing residential uses. Minor grading, trenching for utilities, and, paving is required for the proposed ±2,000 square foot parking lot located at the south end of the project site.

Standard conditions of approval relating to grading will be imposed as conditions of the project. Other than minor grading, trenching and paving of the parking lot areas, the proposed project is not anticipated to involve an activity that may contribute or increase pollutants or particulate matter (PM<sub>10</sub>). The project is not anticipated to have an impact on air quality. No impact will occur.

#### IV. BIOLOGICAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SETTING

The majority of the project site has been previously graded and paved to accommodate the existing site improvements consisting of the El Toyon residence, second unit and garage. Several trees exist on the property and one tree is located on the parking lot property, which will contain new parking lot improvements, but is not slated for removal as a result of the project (*Attachment 5 – Project Plans*).

#### IMPACTS

a)&b) The proposed project is not anticipated to have a substantial adverse effect upon any species identified as a candidate, sensitive, or special status species. No impact will occur.

- c) The project is not anticipated to have a substantial adverse effect upon federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impact will occur.
- d)-f) The project is not anticipated to interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or will the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact will occur.
- e) According to the Arborist Report prepared for the project one Blue Oak of 26 inches diameter is located on the property where the parking lot is to be constructed. The Blue Oak is a protected tree per the City's Tree Preservation Ordinance Chapter 161 of the Auburn Municipal Code. Chapter 161 requires that the applicant obtain a Tree Permit where a regulated activity encroaches within 20 percent of the Critical Root Zone or where a discretionary permit is required. In order to mitigate construction activity within the Critical Root Zone of the projected tree, the following Arborist recommendations shall be followed:

#### MITIGATION MEASURE:

1. The applicant shall install an aeration system under new pavement within the critical root zone. The aeration system will consist of 4 inches perforated Schedule 80 pipe installed on 6 foot centers, radiating out in the critical root zone and day-lighting behind the rock wall at the edge of paving. The perforated pipe shall be installed in shallow trenches (approximately 6 inches deep x 6 inches wide) with 2 inches of  $\frac{3}{4}$  clean crush gravel in the bottom of the trench for the pipe bed. After the perforated pipe is installed, cover the aeration zone with a permeable geo-textile. A layer of  $\frac{3}{4}$  inch clean crush gravel over the textile forms the base for the asphalt and allows for the distribution of air under the paving.
2. Implement soils remediation by first removing approximately 1,000 square feet of old asphalt paving on the west and southwest side of tree. Quantify the conditions of the soil in the remediation area by measuring limiting factors (e.g. bulk density, percolation rate, organic matter content) before and after remedial action.
  - a. Measure soil bulk density, organic matter, and percolation rates in several locations to identify the extent and depth of soil structure under the old asphalt. Excavate test trenches in the remediation area to measure the extent of existing fine roots. Consider using pneumatic excavation tools for trenching.
  - b. Based on the above tests, cultivate the soil in the remediation area to the appropriate depth. Avoid deep cultivation where there are fine roots concentrated.

- c. In the remediation area, incorporate organic matter during cultivation and mulching. It reduces bulk density and improves soil structure. Natural leaf and twig litter gathered from the nearby oak woodland on the property is highly favorable organic matter for cultivation and mulch cover. Maintain a mulch layer 3-5 inches thick over the remediation area.

Incorporation of the above measures will preserve the existing Blue Oak tree thereby reducing this potential impact to a less than significant impact.

## V. CULTURAL RESOURCES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

The existing building on the project site is identified in the City of Auburn *Historical Resources Survey* conducted in 1986. Known as El Toyon, the structure has also further gained National registration as a Historical Landmark for the buildings Shingle Style Architecture (*Attachment 4 – Historical Resources Survey conducted in 1986*).

## IMPACTS

- a)-c) The project, amending the General Plan and Zoning from Residential to Open Space, is anticipated to have a positive impact on the preservation of a historical resource by down zoning the property from Residential to Open Space; a more restrictive zone designation. According to the City of Auburn Municipal Code, the Open Space Zoning designation is suited for: "The protection of human and his or her artifacts (buildings, property, and the like)." Based upon the more restrictive Open Space designation, the project is not anticipated to cause a substantial change in the significance of an archaeological resource or directly or indirectly destroy a unique paleontological resource or feature. No impact will occur.

- d) Other than minor subsurface grading associated with the proposed parking lot and driveway, the proposed project has been previously graded and paved. The project is not anticipated to disrupt any human remains, including those interred outside of formal cemeteries. Standard conditions relating to cultural resources will be imposed on the project. No impact will occur.

## VI. GEOLOGY AND SOILS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in the Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

There are no Alquist-Priolo mapped earthquake fault zones within the project area. The nearest confirmed active fault (where movement has occurred in the last 11,000 years) is the Cleveland Hills Fault, located approximately 36 miles northwest of Auburn. Two "potentially active" faults, the Bear Mountain Fault and the Melones Fault lie within 5 miles of Auburn (*City of Auburn General Plan, 1993*).

## IMPACTS

- a)-e) The project is not anticipated to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, landslides, substantial soil erosion or loss of topsoil. Septic tanks are not proposed as part of the project. No impact will occur.

## VII. GREENHOUSE GASES –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate Greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of any agency adopted for the purpose of reducing the emissions of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## IMPACTS

- a)&b) The proposed project is not anticipated to generate greenhouse emissions, either directly or indirectly, that may have a significant impact on the environment.

The project does not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses. No impact will occur.

## VIII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

materials into the environment?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## SETTING

The property contains a historic rural estate that dates back to 1888. Based upon preliminary research of the history of the site, the property is not anticipated to have contained any uses that would have used hazardous materials. Hazardous materials stored and used onsite and on surrounding properties would be associated with common household cleaning detergents and similar type products.

The Auburn City Fire Department responds to all calls for emergency services within City limits that include, but are not limited to: fires, emergency medical incidents, hazardous materials incidents, public assists, traffic and vehicle accidents and other situations. The City's closest fire station is located on Sacramento Street, which is staffed 24 hours a day. This station is located approximately  $\pm 1.25$  miles from the project site.

## IMPACTS

- a-b) The proposed project does not involve an activity that may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials which may create a significant hazard to the public or the environment through

reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impact will occur.

- c)-g) The proposed project does not involve an activity that will emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The project is not located within an airport land use plan or, where such a plan has not been adopted. The project would not result in a safety hazard for people residing or working in the project area.

The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- h) The project includes events, such as mediation, training, and fundraising that would attract additional persons to the site, which is located adjacent to the Auburn Ravine Canyon Area. The Auburn Ravine Canyon area has a potential for wild land fires, which may expose additional people attending the mediation, training and fundraising events to wild land fires. However, given the low number of persons anticipated to occupy the site, the project is not anticipated to pose a significant risk of loss, injury or death involving wild land fires. This potential impact is therefore considered less than significant.

## IX. HYDROLOGY AND WATER QUALITY –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## IX. HYDROLOGY AND WATER QUALITY –

in flooding on- or off-site?

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SETTING

The City of Auburn receives an average of 34 inches of rainfall annually. Rainfall can vary substantially from year to year. At the Auburn recording station, annual precipitation has varied from 14 to 65 inches over the past 50 years.

Rainfall is concentrated during winter months with almost 90 percent of annual precipitation typically occurring between November and April (*Placer County 2005*). Site soils fall into Hydrologic Soils Group D, which are soils characterized as having a slow infiltration rate, and thereby a high runoff potential (*Soil Survey of Placer County, California 1980*).

The subject property is located in Flood Zone X (Areas determined to be outside the 500-year flood plain) according to the Flood Insurance Rate Map for the County of Placer, Map No. 06061C0426 F dated June 8, 1998. Due to the site's topography and location away from any major waterways, flooding is not a concern on the project site.

### IMPACTS

- a) The water purveyor for the City of Auburn is the Placer County Water Agency (PCWA). Additional water usage is anticipated with the proposed project as additional persons will be visiting the site; however, no new water connections are proposed. The proposed project

is not anticipated to deplete water resources or interfere with groundwater recharge. No impact will occur.

- b)-j) The proposed project is not anticipated to alter the existing drainage pattern of the site or area, exceed the capacity of the existing or planned capacity of storm water drainage systems or provide substantial additional sources of polluted runoff, degrade water quality, place housing within a 100 year flood hazard area, seiche, tsunami, or mudflow. No impact will occur.

## X. LAND USE AND PLANNING —

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

The project is located at the east edge of the City of Auburn City limits. The project site is surrounded by single and multiple family uses to the north, south and west. The American River Canyon is located immediately east and has an Open Space Private (OSP) designation. The American River Canyon area is designated as a "Scenic Corridor Area" according to the Auburn General Plan Open Space Element.

## IMPACTS

- a)-c) Based upon the project location and proposal, the project will not divide an established community, conflict with an applicable land use plan, policy or regulation or conflict with a habitat conservation plan. No impact will occur.

## XI. MINERAL RESOURCES —

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	---	------------------------------------	-----------

## XI. MINERAL RESOURCES --

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

Although gold deposits are known to remain in the foothills area, no known mineral resources of value to the region or residents of the state are known to exist within the boundaries of the proposed project area. No known mine sites are or have historically been located on the subject property.

## IMPACTS

a)&b) The proposed project is not anticipated to result in the loss of availability of a known mineral resource or locally known minimal resource. No impact will occur.

## XII. NOISE—

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## XII. NOISE—

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

The project site consists of single and multiple family dwellings in a rural setting at the eastern end of the Auburn City limits. The Brook Road neighborhood is a mixed density residential neighborhood consisting of single family and multiple family dwelling units. Noise in the vicinity of the project site consists of vehicular traffic and typical residential noises. Other than typical residential noise, the neighborhood is generally quiet.

## IMPACTS

- a)-d) Because many rural residential areas experience very low noise levels, residents may express concern about the loss of "peace and quiet" due to the introduction of a sound which was not audible previously. In very quiet environments, the introduction of virtually any change in local activities will cause an increase in noise levels. A change in noise level and the loss of "peace and quiet" is the inevitable result of land use or activity changes in such areas. Audibility of a new noise source and/or increases in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts.

For residential uses, the City of Auburn General Plan establishes maximum noise levels of an Ldn/CNEL of 60 db for the exterior and 45 db interior. As an example, a conversation at 6 feet is identified as having a noise level of 60 db (Noise Element page 54).

The addition of new uses to the site consisting of mediation, training and fundraising events would introduce new noise sources to the area. However, the project is not anticipated to exposure persons or generate noise levels in excess of standards established in the City of Auburn General Plan. The project is not anticipated to expose people to ground borne vibration or ground borne noise levels.

Grading and paving of the driveway and parking lot areas, will cause or contribute to a temporary increase in ambient noise levels; however, this impact is short-term and is subject to the City's Noise Ordinance, which limits hours of construction generally from 7:00 a.m to 6:00 p.m.

Fundraising event noises will occur periodically throughout the year. According to the applicant's project description, fundraisers would be held on the weekend (Friday night, Saturday or Sunday), with the event terminating at 10 p.m. No loud sources of music or noise will be permitted.

Standard conditions of approval will be imposed thereby limiting the hours of operation for fundraising events to 10 p.m. Although additional noises will be introduced in the project neighborhood, these new audible sources are temporary in nature and are therefore considered less than significant.

- e)&f) The project is located approximately four (4) miles from the City of Auburn Municipal Airport. No impact will occur.

### XIII. POPULATION AND HOUSING –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SETTING

The proposed project is located in an area of residential uses on both sides of Brook Road. The land use designation for the project site is Urban Low Density Residential (ULDR) according to the *City of Auburn General Plan*. The Low Density Residential Land Use allows a density of up to 4 units per acre. The zoning designation for the project is Residential, Single Family, minimal parcel size 10,000 square feet (R-1-10).

### IMPACTS

- a) The General Plan Amendment & Rezone from an Urban Low Density Residential to Open Space constitutes a down zone from a less restrictive zone to a more restrictive zone. Based upon the proposed project, the project will reduce population growth in an area.

This property contains a single and second dwelling unit and will not displace housing. No impact will occur.

- b)&c) The project is not anticipated to displace substantial numbers of existing housing, necessitating the construction of replacement housing or people elsewhere. No impact will occur.

#### XIV. PUBLIC SERVICES --

Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SETTING

The proposed project area is within the City of Auburn and is served by the following public services:

*Fire Protection:* The project area is within the jurisdiction of the Auburn City Fire Department. The nearest Fire Station is the Sacramento station located on Sacramento Street. Auburn Fire has a mutual aid agreement which ensures that three fire protection agencies would respond to any emergency in the project area. Responding agencies could include: California Department of Forestry & Fire Protection, Newcastle City Fire Department, and Placer County Consolidated Fire Department.

*Police Protection:* The project area is within the jurisdiction of the City of Auburn Police Department. The existing police department facility was planned to accommodate the law enforcement needs of population growth within the project area (*General Plan Environmental Impact Report 1993*).

The Auburn Police Department's service ratio (a ratio of sworn officers to the population served) was 2.0 officers per 1,000 residents in 2005 (Willick 2005). The national standard for service ratios is 1 officer per 1,000 residents. Additional law enforcement assistance is provided within the area by

the Placer County Sheriff's Department and the California Highway Patrol.

*Schools:* The proposed project lies within the Auburn Union Elementary and Placer Union High School District. Children residing in the project vicinity attend Skyridge Elementary School, E.V. Cain Middle School or Placer High School, according to their age group.

*Parks:* Park facilities within City limits are maintained by the Auburn Recreation District. Open Space of the Auburn State Recreation Area is located approximately one mile east of the project site and outside of City limits. Policy 6.7 of the Open Space/Conservation element of the City's General Plan calls for dedication of parkland and/or payment of park fees to provide five (5) acres of parkland per 1,000 residents.

*Other Public Facilities:* The Auburn Department of Public Works is responsible for many areas of City operations, including maintenance of city streets, streetlights, traffic signals, storm water drainage facilities, the municipal wastewater system, solid waste collection, and hazardous materials disposal, in addition to other responsibilities.

## IMPACTS

- a) The project has been reviewed by the various City of Auburn Departments. The project is not anticipated to have substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, or other public facilities. These impacts are considered less than significant.

## XV. RECREATION --

Would the project:

- |  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might, have an adverse physical effect on the environment?                       | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## SETTING

The proposed project will not generate the need for additional park facilities.

## IMPACTS

- a)&b) The proposed project will not increase the population within the City of Auburn. The proposed project is not anticipated to increase the use of existing neighborhood and regional parks, recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. No impact will occur.

## XVI. TRANSPORTATION/TRAFFIC –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

The project site is located at the junction of Brook Road and Marvin Way, which are two lane local streets that serve as primary north-south routes through the eastern end of the City of Auburn. Brook Road is an approximate 28 foot paved public road with curb, gutter and sidewalk improvements of the east side of the street. Marvin Way is an approximate 46 foot paved public road with curb, gutter and sidewalk and parking on both sides of the street.

Traffic signs posted in the area limit the speed to 25 miles per hour.

According to Public Works records, a traffic study has not been conducted in the vicinity of Brook Road and Marvin Way intersection. However, in similar residential areas traffic studies, Public Works estimates, 1,000 average daily trips are estimated along Brook Road and Marvin Way during a 24 hour period. Given the rural nature of the project setting on the eastern end of the Auburn City limits, the Brook Road and Marvin Way area has a Level of Service of "A" meaning: "free flowing traffic and individual users are virtually unaffected by the presence of other vehicles in the traffic stream."

The project site is on a bus transit route and is within walking distance of downtown.

## IMPACTS

- a&b) The subject property contains the El Toyon historic house and second unit. The *Institute of Transportation Engineers (ITE)* trip generation rates indicates that the existing residential and second unit generates an estimated 18 vehicle trips per day (12 vehicle trips per day for Estate housing and 6 vehicle trips per day for small detached housing) for the existing use.

The project proposes mediation, training, and fundraising events. Based upon the proposed use, it is assumed that mediation and training would occur simultaneously, while, fundraising events would occur separately from mediation and training uses. An analysis of each of the uses and cumulative analysis related to Transportation/Traffic follows:

*Mediation:* Mediation would occur between 9 a.m. to 5:30 p.m. and would include two mediations per day. A typical mediation would involve 2 parties and would last four or five hours. Including the staff members, it is assumed that up to 8 parties may be involved in a typical Mediation session. Using the Single Tenant Office category, the ITE trip generation rates are estimated at 12 vehicle trips per 1,000 square feet. Accordingly, the 2,293 square foot mediation office use and 640 sq. ft. second unit would generate an estimated 70 35 vehicle trips per day (in/out) between the hours of 8:30 a.m. and 6:00 p.m. Monday through Friday.

*Training:* An estimated 30 students are anticipated to be trained in the proposed converted garage, which would include up to 5 personnel such as trainers and service workers. Trainings would occur between 8 a.m. to 5 p.m. Thursday through Saturday an estimated 40 days per year. Using a Vocational School use category, the ITE trip generation rates are estimated at 1.5 vehicle trips per student. This would equate to 90 52 vehicle trips per day (in/out) for each training held periodically throughout the year.

*Fundraisers:* Fundraisers for up to 60 guests and 10 event staff would occur periodically throughout the year. Considering that the proposed events are periodic in nature, it is anticipated 1 car per 2.5 guests/event staff would occur. This would equate to an estimated 56 vehicle trips vehicle trips (in/out) per event.

In total, mediation and training are estimated to generate an estimated 70 vehicle trips on a weekday basis for mediation and 90 45 trips per day 3 times per month for trainings.

Fundraising events are estimated to generate an estimated 56 28 vehicle trips on a quarterly basis.

Based upon the Level of Service A for the Brook Road and Marvin Way road segments, the potential addition of 70 35 weekday; 90 52 vehicle trips 3 times per month and 56 quarterly vehicle trips to the roadway system is not anticipated to reduce the Level of Service resulting from the project, despite a relative significant increase in traffic from current traffic volumes. This impact is considered less than significant.

- c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. No impact will occur.
- d) The project is located at the intersection of Brook Road and Marvin Way, which intersection is an s curve. The project entrance is located at the apex Brook Road Marvin Way s curve. The speed limit in the neighborhood is 25 mph. Although traffic volumes in the vicinity will be increased on Brook Road and Marvin Way, a substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) is not anticipated to occur as a result of the project. This impact is considered less than significant.
- e) The project access is proposed to be widened from 12 feet to 20 feet. The City of Auburn Fire Department has reviewed the proposal and has imposed standard Fire Department conditions of approval for the project. The proposed project will not result in inadequate emergency access. No impact will occur.
- f) As shown on the site plan, off-street parking of 23 spaces has been provided for the proposed project consisting of the El Toyon historic house and second unit, mediation, training and periodic fundraising events. The 23 off street spaces provided is broken down into: 16 full size spaces (9 feet by 18 feet); one Accessible Parking Space located at the south end of the site; and, 6 compact parking spaces (8 feet by 18 feet), which may be approved pursuant to a Use Permit.

Although not designated as such, an additional 7 to 9 cars could be parallel parked on the driveway taking into account the Fire Department does not need a 20 foot driveway for access as it's not considered a commercial use.

Analysis of the parking space requirement for this type of use is provided in the description and table below:

*House & Second Unit:* 2 parking spaces are required for single family dwellings and 1 parking space for a second unit (3 total).

*Mediation:* Mediation is similar to an office use so the City standard of 1 parking space per 400 sq. ft. is used for the 2,293 square foot El Toyon residence and 640 square foot second unit resulting in 7 parking spaces.

*Trainings:* Trainings would occur in a ±768 sq. ft. classroom. Using the Ca. Building Code occupant load factor of 20 sq. ft. per student, an estimated 38 students could be trained in the converted garage. From a parking ratio view, the closest use-type is a vocational school. The City of Auburn does not have off-street parking standards for Vocational Schools. Accordingly, Placer County and City of Sacramento and other jurisdictions parking standards, where examined. Placer County requires 1 parking space for 300 sq. ft. while the City of Sacramento requires 1 parking space for every 3 students. In this case, a more conservative standard was used to quantify the parking spaces required (i.e. 1 parking space per 3 students) for the trainings resulting in 12.6 or 13 parking spaces required (38 students/3=12.6 or 13). The higher student building occupancy factor was also used despite the applicant requesting a classroom of 30 students.

Ultimately, when parking standards are not identified, the parking ratio is at the discretion of the decision making body.

USE	PARKING STANDARD	PARKING SPACE REQUIRED/PROPOSED
House/Second Unit	3 parking spaces	3 parking spaces
Mediation	1 per 400 sq. ft. (2,293+640 sq. ft./400)=7.3=7 parking spaces	7 parking spaces
Training	38 persons (Building Occupancy)/1 parking space per 3 persons = 12.6=13 parking spaces	13 parking spaces
	<b>Total:</b>	<b>23 required/23 provided</b>
	<b>Parking Space Surplus/Deficiency</b>	<b>None</b>
Fundraising Events	60 persons + 10 staff = 1 space per 2.5 persons	28 parking spaces
	<b>Total:</b>	<b>28 required/23 provided</b>
	<b>Parking Space Surplus/Deficiency</b>	<b>-5 parking spaces</b>

As noted, it is not anticipated that the mediation, training and fundraising events would occur at the same time. Based upon the parking ratios illustrated above, the El Toyon Estate, second unit, mediation and training uses could be accommodated with the parking spaces provided. However, fundraising events could result in inadequate parking capacity on site.

In response to the inadequate parking capacity, the applicant has negotiated a parking lease with the Bayside Auburn Church located at 450 and 490 Nevada Street (*Attachment 10 - Tentative Lease Agreement*). The Bayside Church is located approximately 1.5 miles from the project site. According to the Tentative Lease Agreement, the applicant has use of the parking lot on 3 to 4 dates to be determined in the future. Considering that the parking

agreement is for a temporary duration, there may be an outstanding inadequate parking capacity on-site. However, with implementation of the following mitigation measures, the above identified parking impact will be reduced to a less than significant level:

#### MITIGATION MEASURE

1. ~~Prior to the first Fundraising Event, the applicant shall revise the site plan to provide a minimum of 5 parallel parking spaces along the driveway. Parallel parking spaces shall have a minimum dimension of 8 feet in width and 22 feet in length. The site plan shall be submitted for review and approved to the satisfaction of the Community Development Department prior to the first Fundraising Event.~~

~~Alternatively, the applicant shall:~~

2. Prior to the first Fundraising Event *and/or Mediation Training*, the applicant shall submit for review and approval a Ride Sharing Program. The Ridesharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and fro fundraising events. The parking lot site shall be on private property. The Ridesharing Program shall be approved by the Community Development Department prior to the first Fundraising Event *and/or Mediation Training*. *Applicant shall be responsible to ensure that all those not participating in the ridesharing program shall park their vehicles on-site. No parking shall be permitted upon the public streets.*

Incorporation of the above measure(s) will reduce the off-street parking impacts to a less than significant level.

#### XVII. UTILITIES AND SERVICE SYSTEMS –

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## XVII. UTILITIES AND SERVICE SYSTEMS –

adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- |  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No Impact                           |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                              | <input type="checkbox"/>             | <input type="checkbox"/>  | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## SETTING

Solid waste within the project area is collected by Auburn-Placer Disposal Service (APDS), a licensed private disposal company. Solid waste is transported to the company's transfer station located on Shale Ridge Road and then to the Placer County Western Regional Landfill.

## IMPACTS

- a) No new sewer connection is proposed with the project. No impact will occur.
- b) Additional waste will occur with mediation, training and fundraising uses. However, this impact is considered less than significant.
- c) The existing parking area adjacent to the house and proposed parking spaces will require minor subsurface grading and paving. With minor grading new drainage facilities will not be required. The proposed parking lot facilities will be located within the existing graded and paved areas and will utilize existing drainage facilities. The need for additional drainage facilities is not required. This impact is considered less than significant.
- d)-e) The proposed project will not impact water supplies or result in additional wastewater collection. No impact will occur.
- f) The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. No impact will occur.
- g) The proposed project will comply with federal, state, and local statutes and regulations related to solid waste. No impact will occur.

# **XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –**

Potentially  
Significant  
Impact      Less Than  
Significant  
With  
Mitigation  
Incorporation      Less Than  
Significant  
Impact      No Impact

Would the project:

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☐ ☐ ☐ ☒
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? ☐ ☐ ☐ ☒
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒

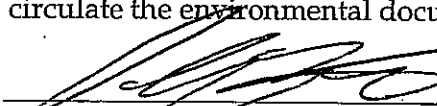
a)-c) This environmental analysis provides evaluation of the potential environmental effects of the proposed project, including project effects on the quality of the environment, fish and wildlife habitat (including special status species), and cultural resources. No impact will occur.

\*\*\*\*\*

## **MITIGATION MEASURE COMPLIANCE REVIEW AGREEMENT**

I, being the applicant(s) for the described project agree to the full implementation of the mitigation measure(s) outlined in this environmental document as Conditions of Approval for the project.

I understand that by agreeing to the mitigation measure(s) outlined in this document, all foreseeable "significant effects on the environment" should be reduced to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA), thereby permitting the City of Auburn Community Development Department to publicly notice and circulate the environmental document for my project.

  
Shawn Batsel, Project Manager

10/17/11  
Date

\*\*\*\*\*

## REFERENCES

City of Auburn. *City of Auburn General Plan*. November 1993.

City of Auburn. *The City of Auburn General Plan Environmental Impact Report*. November 1993..

City of Auburn. *City of Auburn Municipal Code*. 28 March 2005.

## ATTACHMENTS

- Attachment 1 – Vicinity Map
- Attachment 2 – Aerial Photograph
- Attachment 3 – City of Auburn Zoning Map
- Attachment 4 – Historical Resources Survey dated 1986
- Attachment 5 – Project Plans
- Attachment 6 – General Plan Amendment Exhibit
- Attachment 7 – Rezone Exhibit
- Attachment 8 – Site Photographs
- Attachment 9 – Applicant's Project Description
- Attachment 10 – Tentative Lease Agreement
- Attachment 11 – Arborist Report

El Toyon Institute  
Project Description

RECEIVED

JUL 13 2011

**Justification Statement**

COMMUNITY DEVELOPMENT

CITY OF AUBURN

The El Toyon Institute hopes to establish a nonprofit mediation and conflict resolution training center, in a 19th century mansion listed on the National Register of Historic Landmarks. We believe this proposed charitable use is consistent and compatible with the intent and purpose of the Open Space Conservation (OSC) designation.

The El Toyon Institute (ETI) is seeking a zone re-designation from R1 (residential) to OSC. This re-designation would meet the purpose and intent of the Open Space zoning for the following reasons:

*The project will protect the public health, safety and welfare:*

This project is designed to be a benefit to the Auburn community by helping alleviate conflict in the area through training and conflict resolution services. The unique setting has already garnered attention from leading experts in the field who could bring visitors to the area for special events and trainings.

*Rezoning the property will protect and preserve open space land as a limited and valuable resource:*

The historic mansion, built in 1889, features many unique, original features, including three fireplaces and hand carved stairway balustrades. In addition, the generosity of the families of El Toyon's previous owners has helped build up a collection of photographs chronicling El Toyon's history. These photographs are displayed throughout the home. Unfortunately, a mansion of this size and age requires expensive and complicated maintenance. The mediation center could help offset these costs to help preserve and share this historic landmark.

*The project will permit the reasonable use of open space land while at the same time preserving and protecting its inherent open space characteristics to assure its continued availability as agricultural land, scenic land, recreation land, conservation land or natural resources land; for the containment of urban sprawl and the structuring of urban development; and for the retention of land in its natural or near natural state to protect life and property in the community from the hazards of fire, flood and seismic activity:*

Rezoning the property would permit the center to serve the public and allow the public to enjoy the historic mansion within reasonable bounds so as to not disturb the neighborhood. It would also widen the OSC linkage from Highway 49 to Robie Point and multiple fire risers have been installed to protect the property and community from fire.

ATTACHMENT 9

The project will coordinate with and carry out federal, state, regional, county and city open space plans.

California Government Code §65560 includes historic properties as potential OSC zones and Auburn Municipal Code: §159.044 "Open Space and Conservation District" (F)(1)(b) and (e) states that charitable use as well as unique, privately-owned historic sites may qualify for use permits within an OSC district."

The El Toyon Institute seeks to carry out a charitable activity, nonprofit mediation and conflict resolution training, within a nationally recognized historic building. This proposed use appears to be consistent and compatible with the intent and purpose of the City of Auburn's OSC designation.

### **Background/History**

211 Brook Road, the estate property also known as El Toyon, is currently owned by Terri Batsel, and is listed on the National Register of Historic Landmarks as well as the Auburn Historical Resources Inventory registry. It was built and owned by Colonel Walter Scott Davis, a Civil War hero and owner of the Mammoth Bar Mine. The residence is of significance due to its architectural form – Shingle Style. Historian Cindy Toffelmier prepared its nomination as a national historic property, excerpted as follows:

*"El Toyon is historically significant for its distinctive architectural style that exemplifies the connections maintained between east and west coast in nineteenth century America. This example of the Shingle Style brings to California an architectural form dating from the 1880-1890 period that is relatively uncommon outside the coastal New England area. The thoughtfully restored estate is unique in the Auburn community as an example of the Shingle Style."*

### **Current Description of the Property**

The project is zoned R1-10 and contains 2 contiguous lots totaling close to 2.25 acres. This estate is surrounded by single family homes, duplexes, alleys, and garages. The east side borders the American River Canyon (zoned OSC) owned by the Department of Interior. The structure is setback from the street approximately 125 feet.

The historic mansion is unique in the neighborhood. There are six duplexes adjacent this estate on the south. The property is bordered by an R3 zone along the front (approx. 200 feet) and two alleys surround the side and front. The front of El Toyon is also bordered by an alley with views of the backs of houses, garages, and fences. The property is served by public water and sewer. In both the front and back of the property are two fire risers (2 1/2 feet high). The adjacent property at 205 Brook Road, formerly El Toyon's carriage house, is also listed in the local historic inventory.

### **Current Status of Property**

The current owners wish to preserve this historic property for the community of Auburn by establishing a purpose and plan that not only sustains the costs of maintenance and upkeep over time, but also helps the community by promoting peace

and healthy communication. Numerous buyers have had great interest in the property as it has the potential to be developed into multiple, small lot, single-family dwellings. Presently, due to the unusual financial burdens associated with this property, there is incentive to follow that course of action.

### **Project Description**

The project consists of two parcels. The first parcel, 211 Brook Road, is the location of the historic residence. The ground floor would be used as a non-profit mediation center. The upper floor would remain private as would unusable space on the first floor. In addition, an existing granny flat and a garage ETI hopes to convert into a classroom would be used for training and mediation purposes. (See "2. Class Instruction"). The second adjacent parcel to the south, 215 Brook Road, would be used for parking. The proposed non-profit El Toyon Institute (ETI) would be used for mediation, education, and as a library and a mediation retreat center.

#### **1. Mediation**

Mediation is a process of refined communication in which parties work through issues with a neutral facilitator or facilitators. Mediation is voluntary to both the mediator and to the parties. (Anyone can call it off at any time.) The parties draft their own agreements. Mediation notes are shredded. In California, the process in its entirety is protected by confidentiality statutes for the purpose of discovery. There are no offices, no office desks, no work product, no advice given, and no file cabinets.

Mediations, due to their confidential and sensitive nature could only be done one at a time and at most the center could facilitate two mediations a day, operating week days between the hours of 9 am to 5:30 pm.

A typical mediation would involve two parties and would last four to five hours. National studies reflect the operations of the typical mediation center.

"The typical (median) community mediation program has 1.5 staff members, 30 active mediators, operates on a \$40,000 annual budget, receives 150 referrals per year and mediates 70 cases." - *"Community Mediation Trends and Needs: A Study of Virginia and Ten States Final Report and Recommendations"*, James Wilkinson, 2001.

ETI will also collaborate with other local non-profits (i.e., Boys and Girls Club of Auburn), governmental agencies (i.e., Auburn Police and Placer County Sheriff), schools (i.e., Auburn Union Elementary and Placer Union High School Districts), and local churches by bringing activities including training and mediation to their sites.

#### **2. Class Instruction**

ETI plans on converting an existing 960 s.f. garage into a 768 s.f., 30 student classroom with ADA bathrooms. Upon completion of construction, the trainings would be moved to the converted garage allowing concurrent break-out mediations in the historic residence and the granny flat. Training subjects would include communication techniques, negotiation, mediation, non-violent communication, restorative justice, and other similar topics the community shows an interest in through periodic surveys.

### 3. Hours of Operation

Mediation Services: 2 mediations per day (8 people maximum) 9am to 5:30pm

Class Instruction: (10 days per quarter) Thurs.-Sat. 8am to 5pm

### 4. Traffic

ETI will endeavor to have as little of an impact on neighbors as possible. All guests will be encouraged to carpool to the center and when possible local groups will be trained at their own locations. (See "1. Mediation" above.)

It should be noted that a non-profit community mediation center would be of less traffic impact to our neighbors than many of the uses already allowed in residential zoning ordinance for this size of property. The mediation usage would average approximately 10 vehicle trips per day. The traffic impacts are commensurate with a small single-family dwelling (SFD). Transportation studies of larger homes on large lots indicate considerably more vehicle trips per day than average SFDs. The Institute of Transportation Engineers (ITE) trip generation schedule indicates the existing estate residential with granny flat would generate 21 trips per day per the attached ITE schedule.

A total of 30 students at a time could be trained if the garage were converted. Trainings would be from 8-5 p.m., Thursday through Saturday, 40 days a year (10 days a quarter). This would equate to 3.3 days per month for training use or 30-35 trips per day (30 students plus 5 to cover staff, service workers, etc.) for only 40 days a year. (One third of trips generated from training occur during off peak hours.) All other days of the month involving mediation would generate substantially less traffic impacts per day (10 trips approximately) than is allotted for a SFD of this acreage in the ITE trip generation manuals (21 trips approximately). Average peak time trips generated from mediation and training will be 30 trips less than our existing residential use on a weekly basis\*.

\*[Existing residential usage (including granny) would be 5 days X 21 trips = 105 trips. Proposed usage would be 4 days X 10 trips (mediation) = 40 trips plus 1 day at 35 trips (training) = 75 trips proposed use per week.  $105-75=30$ .]

### 5. Parking

In keeping with ETI's commitment to keep neighborhood impact to a minimum, all parking for ETI programs will be off-street. There are multiple egress features for parking and transportation access. The lot adjacent on the south (215 Brook Road) is vacant and suitable for parking.

The total proposed on-site off-street parking is 16 full size spaces, 6 compact spaces and one ADA space. ETI will encourage and facilitate carpooling to the center to minimize parking needs. The need for parking will be lessened to some degree as this site is on a bus transit route and is within walking distance of downtown.

While ETI programs will be limited to 30 people, the Auburn occupancy standards for a building the size of the proposed class room (768 sf.) allow 38 people. ETI has used this higher occupancy rate to calculate its parking needs.

The closest analogy to how the center will be used is a vocational school. As Auburn does not have off-street parking standards for vocational schools Placer County, Sacramento and various other standards were examined. Placer County

parking requirements for vocational schools are one parking space for every 300 s.f.. Sacramento's off-street parking code allows vocational schools one parking space for every three people.

City staff indicated ETI would be subject to the more stringent standard of one parking space for every 3 people, based on the occupancy maximum of 38, higher than the actual use of 30. In fact, the ETI off-street parking plan exceeds the more stringent parking standard by 4 spaces. The Auburn parking code does not recognize the 6 compact spaces on the plan, and as a consequence these do not factor into the off-street parking equation, but will help ensure the neighborhood is not impacted.

## **6. Noise**

At most, the center could facilitate two mediations a day, operating weekdays between the hours of 9 am to 5:30 pm. These would take place indoors to protect the parties' privacy.

Trainings would take place indoors eliminating any conversational noise to neighbors.

## **Conclusion**

The positive impacts from the non-profit mediation center must be considered. Mediation saves government expenditures by resolving disputes before they go to court, restoring relationships, and saving time and resources. Mediation is eighty-five percent effective (National Association for Community Mediation), makes available a successful mechanism for dispute resolution for underserved parties, and provides education aimed at reducing conflicts in the community.

The proposed center's unique setting has attracted the attention of nationally recognized experts in the field who have expressed interest in conducting trainings and could draw out-of-town groups to Auburn for training sessions.

Neighborhood support has been expressed in five neighborhood meetings and documented in a petition supportive of the project. We hope both staff and representatives of the community are likewise supportive of the project which is consistent and compatible with the intent and purpose of the City of Auburn's OSC designation.

August 26, 2011

Mr. Lance Lowe, AICP  
Associate Planner  
City of Auburn, Community Development Dept.  
1225 Lincoln Way, Rm. 3  
Auburn, CA 95603

RECEIVED

AUG 29 2011

COMMUNITY DEVELOPMENT  
CITY OF AUBURN

Re: Fundraising Event Hosting Addendum to  
209, 211 & 215 Brook Road Application for  
General Plan Amendment, Rezone Use Permit and Tree Permit  
(Files # GPA 11-1, RE 11-1, UP 11-1 & TP 11-1)  
(APNS: 003-200-025, 026 & 027)

Dear Mr. Lowe,

We respectfully submit this addendum to the El Toyon Institute (ETI) Project Application. Below is the ETI request to host up to 4 fundraising events annually as well as the off-street parking plan to mitigate the parking impact on neighbors.

**Fundraising Events:**

ETI requests the option of hosting up to 4 outdoor fundraising events per year for local non-profit and government projects. Meals would be catered by outside vendors (if food were involved). Fundraisers would be held on the weekend (Friday night, Saturday or Sunday), with the event terminating at 10 p.m. No loud sources of music or noise will be allowed. Fundraisers would be for approximately 60 people. We propose to utilize off-site parking facilities to mitigate excess parking demands.

**Off-Street Parking Plan:**

ETI will endeavor to have as little of a parking impact on neighbors as possible. All parking at the center will be off-street. The need for parking will be lessened to some degree as this site is on a bus transit route and is within walking distance of downtown.

A tentative sublease agreement (attached) for a satellite parking lot located at 450 & 490 Nevada Street in Auburn has been made with the Bayside Auburn Church. ETI and Bayside will work to schedule events at times the church parking lot will not be in use to avoid negatively impacting church goers.

ETI will hire a shuttle service to bring event visitors from the parking lot to the center. Utilizing a shuttle service will also help make certain events end on time, seeing that visitors will have a set time to get back to their vehicles.

During fundraising events ETI's on-site off-street parking of 23 spaces (16 full size, one ADA, and six compact spaces) will be reserved for event organizers, caterers or staff.

Should circumstances change and the Bayside Auburn parking lot become unavailable ETI will find an alternative lot to mitigate excess event parking.

If we need to adjust the terms of the sublease agreement please contact me at your earliest convenience at (530)522-8735 or shawn.batsel@gmail.com.

Thank you,

  
Shawn Batsel

## TENTATIVE SUBLEASE AGREEMENT

This Tentative Sublease Agreement established between the parties:

**Bayside Auburn Church**, henceforth referred to as Sublessor in this Tentative Agreement, and: **Henry and Teresa Batsel**, henceforth referred to as Sublessee in this Tentative Agreement, is made this 26<sup>th</sup> day of **August, 2011**, and transfers from Sublessor to Sublessee use of parking facilities, for the location henceforth referred to in this Tentative Agreement as the Parking Lot, at the listed addresses:

**450 & 490 Nevada Street, Auburn, CA 95604**

The Tentative Agreement is in effect for three to four dates to be determined in the future. The Sublessor and Sublessee mutually agree that the Sublessor shall schedule with Sublessee to ensure the Parking Lot will not be in use by Sublessor on those to be determined dates.

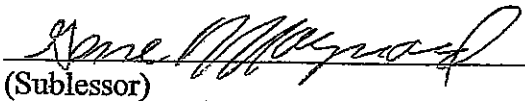
FURTHERMORE, the Sublessee agrees to:

1. Pay in full the nominal amount of **\$50.00**, due on the **date of use**, henceforth referred to as Payment, to **Bayside Auburn Church**, and
2. Maintain the property in proper condition in accordance with the lease contract between the Sublessor while in use by Sublessee, and
3. Comply with the insurance requirements of Sublessor.

FURTHERMORE, the Sublessor agrees to:

1. Appropriately vacate the Parking Lot on the mutually agreed-upon dates to be determined.
2. Inform the property owner of this Tentative Agreement if required by the terms of the Sublessor's original lease or the property owner's policies.
3. Provide Sublessee with a site plan of the Parking Lot.
4. Obtain any and all necessary approval from the property owner for this Sublease Tentative Agreement.

WE the undersigned Sublessor and Sublessee fully and completely understand the terms of this Tentative Sublease Agreement, and willingly, under no form of duress, commit to the terms of said Tentative Agreement.

 \_\_\_\_\_, DATED 8/26/2011  
(Sublessor)

PRINTED NAME: Pastor Gene Maynard

 \_\_\_\_\_, DATED 8/26/2011  
(Sublessee)

PRINTED NAME: Henry and Teresa Batsel

ATTACHMENT 10

## RANDALL FRIZZELL & ASSOCIATES

---

*Tree & Landscape Consultants*

March 12, 2011

City of Auburn  
Planning Commission  
1225 Lincoln Way  
Auburn, CA 95603

**RE: Blue oak**  
**APN 003-200-25-00**  
**El Toyon Institute**  
**211 Brook Road**  
**Auburn CA, 95603**

<b>Tree number:</b>	#41
<b>Botanical and common name:</b>	<i>Quercus douglasii</i> – Blue oak
<b>Diameter at 54" above grade:</b>	26 inches
<b>Critical Root Zone:</b>	30 foot radius
<b>Condition:</b>	Fair (3) health and vigor, as indicated by short annual twig growth, small leaves, and moderately sparse bud set. The structure is good as indicated by a trunk without visible decay or cavities and good branch attachments and confirmation. In the past there was a house within the critical root zone. Currently, there is old asphalt paving on the south and southwest side of the root zone.
<b>Anticipated impacts:</b>	New paving within the critical root zone on the north, southeast, and northwest sides of the tree is proposed for the new parking lot,

---

PO Box 1949, Nevada City 95959-2507, Phone /Fax (530) 265-4469, email:  
randallf@sbcglobal.net

---

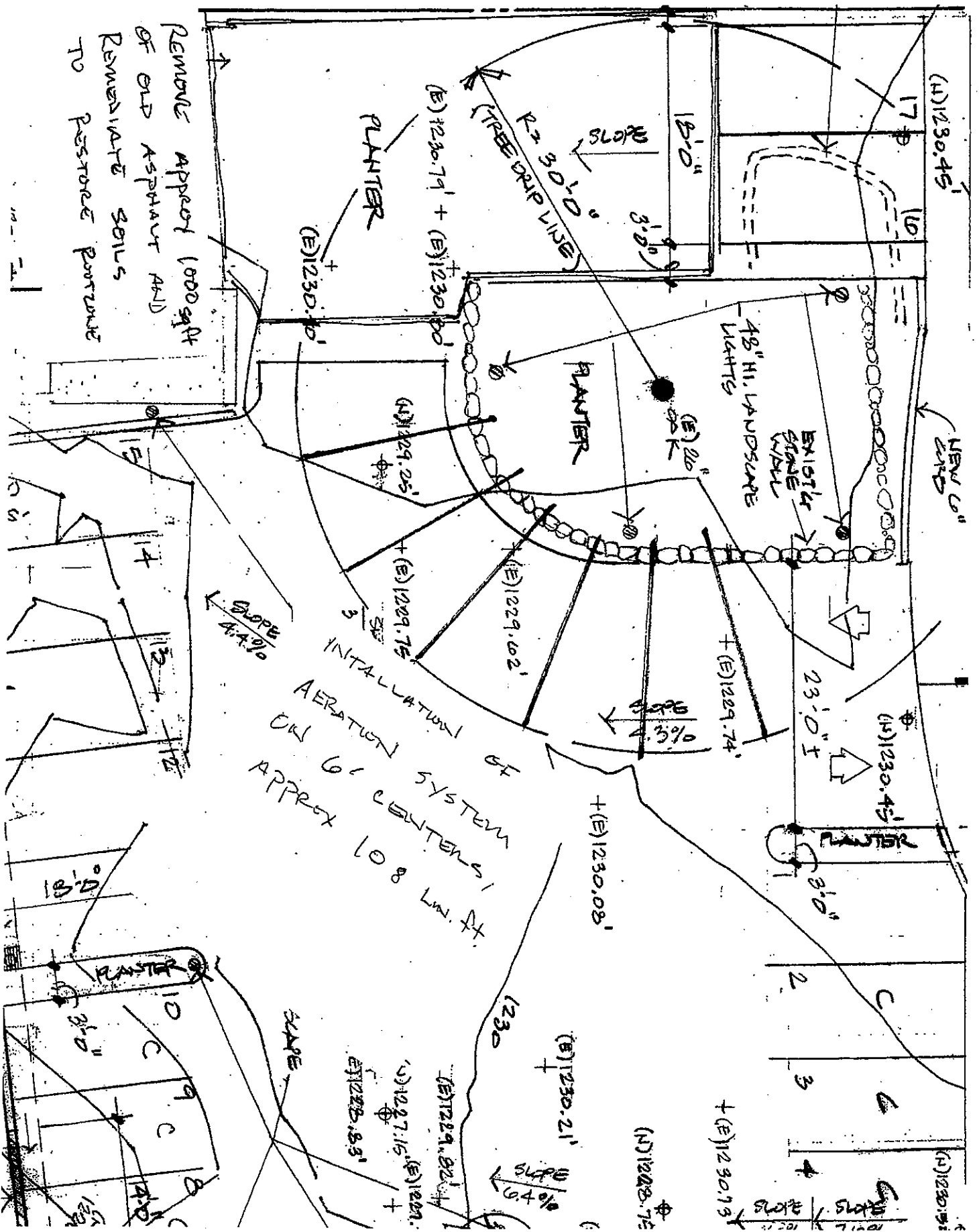
XL INC. A CALIFORNIA CORPORATION

**ATTACHMENT 11**

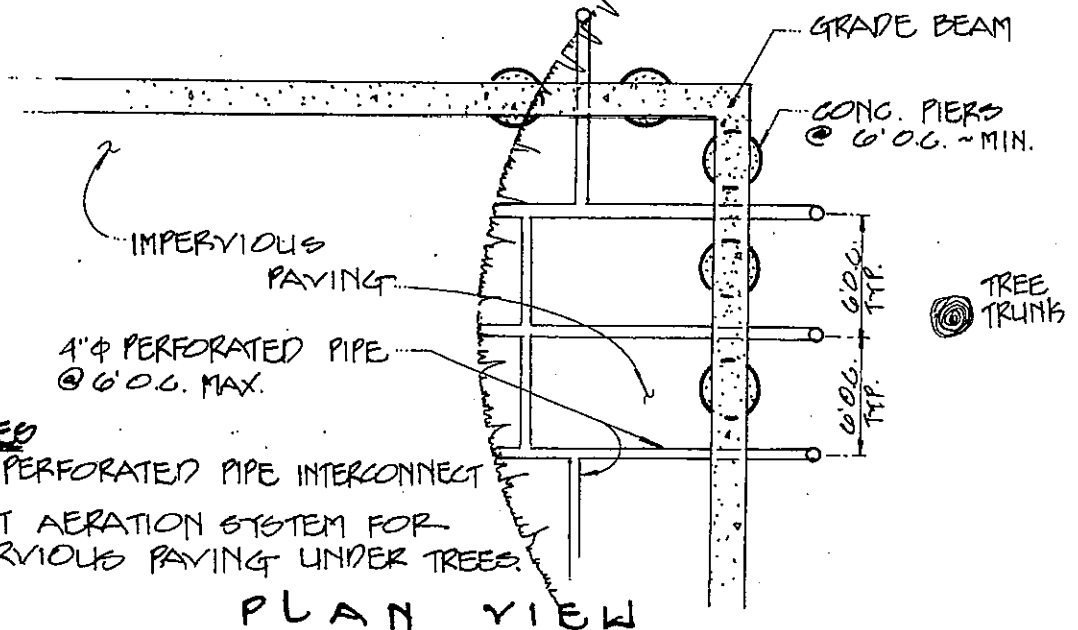
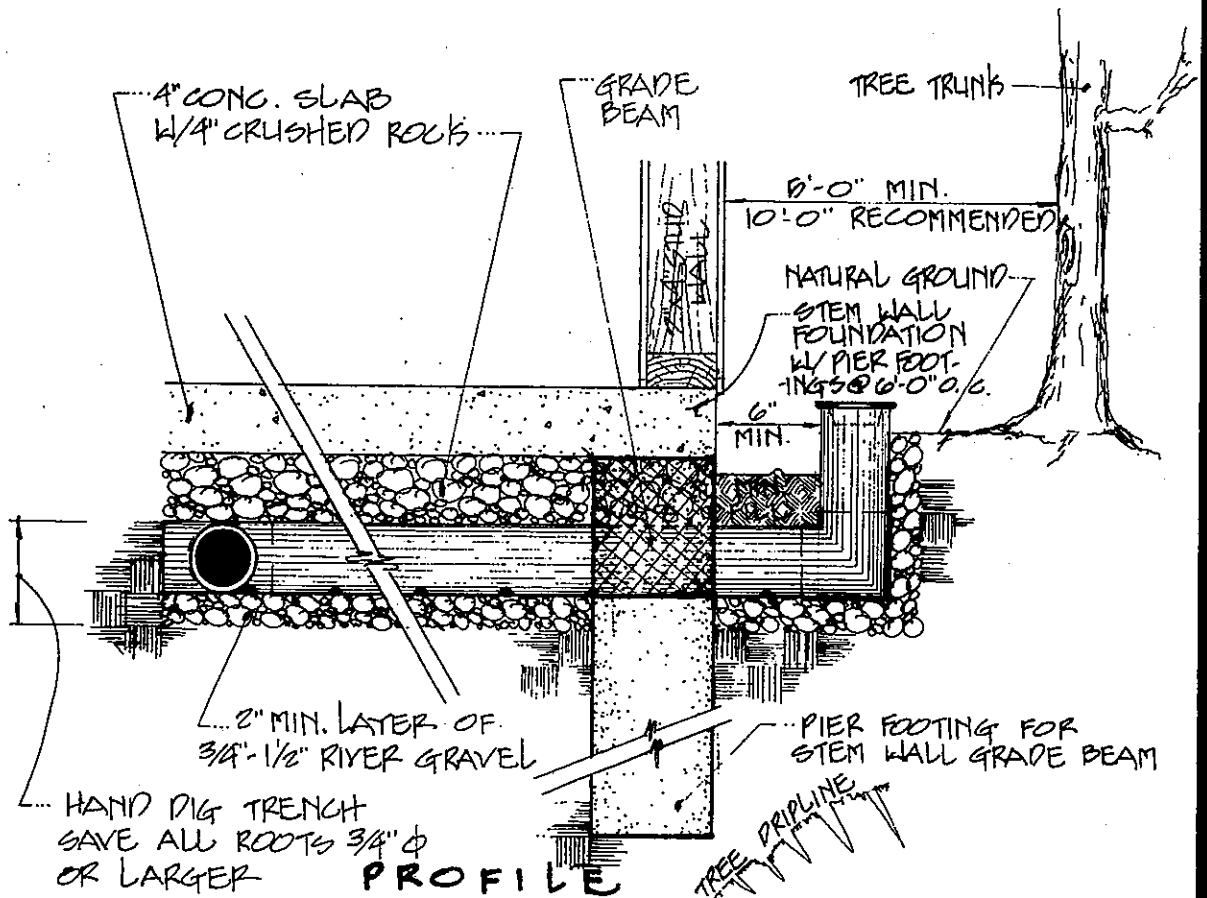
---

**Recommendations:**

1. Install an aeration system under new pavement within the critical root zone (see attached plan). The aeration system will consist of 4" perforated Schedule 80 pipe installed on 6 foot centers, radiating out in the critical root zone and day-lighting behind the rock wall at the edge of paving. The perforated pipe shall be installed in shallow trenches (approximately 6" deep x 6" wide) with 2 inches of  $\frac{3}{4}$ " clean crush gravel in the bottom of the trench for the pipe bed. After the perforated pipe is installed, cover the aeration zone with a permeable geotextile. A layer of  $\frac{3}{4}$  inch clean crush gravel over the textile forms the base for the asphalt and allows for the distribution of air under the paving.
2. Implement soils remediation by first removing approximately 1000 square feet of old asphalt paving on west and southwest side of tree. Quantify the conditions of the soil in the remediation area by measuring limiting factors (e.g., bulk density, percolation rate, organic matter content) before and after remedial action.
  - Measure soil bulk density, organic matter, and percolation rates in several locations to identify the extent and depth of soil structure under the old asphalt. Excavate test trenches in the remediation area to measure the extent of existing fine roots. Consider using pneumatic excavation tools for trenching.
  - Based on the above tests, cultivate the soil in the remediation area to the appropriate depth. Avoid deep cultivation where there are fine roots concentrated.
  - In the remediation area, incorporate organic matter during cultivation and mulching. It reduces bulk density and improves soil structure. Natural leaf and twig litter gathered from the nearby oak woodland on the property is a highly favorable organic matter for cultivation and mulch cover. Maintain a mulch layer 3-5 inches thick over the remediation area.



# GRADE BEAM SLAB W/AERATION SYSTEM



## NOTES

- ① 4"  $\phi$  PERFORATED PIPE INTERCONNECT
- ② ROOT AERATION SYSTEM FOR IMPERVIOUS PAVING UNDER TREES.

WLC

NO SCALE

**MITIGATION MONITORING  
& REPORTING PLAN**

**GENERAL PLAN AMENDMENT, REZONE,  
USE PERMIT & TREE PERMIT  
FOR EL TOYON, INSTITUTE, LLC.**



City of Auburn  
November 15, 2011

## **AUTHORITY AND PURPOSE**

Pursuant to the California Public Resources Code, Section 21081.6, the City of Auburn is required to implement a Mitigation Monitoring and Reporting Plan for the El Toyon Institute, LLC., General Plan Amendment, Rezone, Use Permit and Tree Permit. The purpose of this Mitigation Monitoring and Reporting Plan is to ensure compliance with, and effectiveness of, the Mitigation Measures set forth in the Mitigated Negative Declaration prepared for the El Toyon Institute, LLC., project.

## **RESPONSIBILITIES**

The City of Auburn Community Development Department (CDD) will have primary responsibility for the operation of the Mitigation Monitoring and Reporting Plan. The CDD is responsible for managing all technical advisors and coordinating monitoring activities. The CDD is responsible for directing the preparation and filing of Compliance Reports, if applicable.

## **MITIGATION MONITORING MATRIX**

The following is a list of Mitigation Measures as presented in the Mitigated Negative Declaration prepared for the El Toyon Institute, LLC., General Plan Amendment, Rezone, Use Permit and Tree Permit. The Draft Mitigation Monitoring and Reporting Program (MMRP), will be considered for adoption by the City of Auburn City Council concurrently with consideration of the Mitigated Negative Declaration prepared for the project. The City Council may direct that changes be made to the measures contained in this draft document prior to its adoption.

## EL TOYON GPA, REZONE, USE PERMIT &amp; TREE PERMIT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
IV.	BIOLOGICAL RESOURCES -	<p>The applicant shall install an aeration system under new pavement within the critical root zone. The aeration system will consist of 4 inches perforated Schedule 80 pipe installed on 6 foot centers, radiating out in the critical root zone and day-lighting behind the rock wall at the edge of paving. The perforated pipe shall be installed in shallow trenches (approximately 6 inches deep x 6 inches wide) with 2 inches of <math>\frac{3}{4}</math> clean crush gravel in the bottom of the trench for the pipe bed. After the perforated pipe is installed, cover the aeration zone with a permeable geo-textile. A layer of <math>\frac{3}{4}</math> inch clean crush gravel over the textile forms the base for the asphalt and allows for the distribution of air under the paving.</p> <p>2. Implement soils remediation by first removing approximately 1,000 square feet of old asphalt paving on west and southwest side of tree. Quantify the conditions of the soil in the remediation area by measuring limiting factors (e.g. bulk density, percolation rate, organic matter content) before and after remedial action.</p> <p>a. Measure soil bulk density, organic matter, and percolation rates in several locations to identify the extent and depth of soil structure under the old asphalt. Excavate test trenches in the remediation area to measure the extent of existing fine roots. Consider using pneumatic excavation tools for trenching.</p>	2	CDD	OT		

EL TOYON GPA, REZONE, USE PERMIT & TREE PERMIT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/R eporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Recieved	Notes
IV. BIOLOGICAL RESOURCES -		<p>b. Based on the above tests, cultivate the soil in the remediation area to the appropriate depth. Avoid deep cultivation where there are fine roots concentrated.</p> <p>c. In the remediation area, incorporate organic matter during cultivation and mulching. It reduces bulk density and improves soil structure. Natural leaf and twig litter gathered from the nearby oak woodland on the property is highly favorable organic matter for cultivation and mulch cover. Maintain a mulch layer 3-5 inches thick over the remediation area.</p>	2	CDD	OT		
			2	CDD	OT		

EL TOYON GPA, REZONE, USE PERMIT & TREE PERMIT MITIGATION MONITORING MATRIX

No.	Impact	Mitigation Measure	Phase	Responsible Person/ Agency	Frequency of Monitoring/Reporting	VERIFICATION AND IMPLEMENTATION	
						Date Report Received	Notes
XVI.	TRANSPORTATION/CIRCULATION	<p>Prior to the first Fundraising Event, the applicant shall revise the site plan to provide a minimum of 5 parallel parking spaces along the driveway. Parallel parking spaces shall have a minimum dimension of 8 feet in width and 22 feet in length. The site plan shall be submitted for review and approved to the satisfaction of the Community Development Department prior to the first Fundraising Event.</p> <p>Alternatively, the applicant shall:</p> <p>2. Prior to the first Fundraising Event, <i>and/or Mediation Training</i>, the applicant shall submit for review and approval a Ride Sharing Program. The Ridesharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and from fundraising events. The Ridesharing Program shall be approved by the Community Development Department prior to the first Fundraising Event <i>and/or Mediation Training</i>.</p> <p><i>Applicant shall be responsible to ensure that all those not participating in the ridesharing program shall park their vehicles on-site. No parking shall be permitted upon the public streets.</i></p>	2	CDD	OG		
			2	CDD	OG		

## EXHIBIT G

ORDINANCE NO. 12-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN.  
REZONING PROPERTY LOCATED AT 211 BROOK ROAD FROM RESIDENTIAL  
SINGLE FAMILY, MINIMUM PARCEL SIZE 10,000 (R-1-10), TO OPEN SPACE  
CONSERVATION (OSC) ZONE

-----

WHEREAS, The City Council held a public hearing on July 9, 2012, to consider a Rezone from Residential Single Family, minimum parcel size 10,000 square feet (R-1-10), to Open Space Conservation (OSC) for property located at 211 Brook Road as shown in **Exhibit A** attached hereto and incorporated herein by reference;

WHEREAS, The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. November 15, 2011 Planning Commission Staff Report and Minutes prepared by the Community Development Department.
2. Planning Commission recommendation at the November 15, 2011, Planning Commission hearing;
3. Staff report prepared by the Community Development Department for the July 9, 2012 City Council meeting;
4. Project Description, Project Plans and Exhibits submitted by the applicant;
5. Initial Study/Mitigated Negative Declaration prepared by City Community Development Department;
6. Mitigation Monitoring & Reporting Plan;
7. Staff presentation at the public hearing held on July 9, 2012;
8. Public comments, written and oral, submitted at or prior to the public hearing;
9. All related documents submitted at or prior to the public hearing;

1           10. The City of Auburn General Plan, Zoning Ordinance, and all other  
2 applicable regulations and codes;  
3

4           WHEREAS, in consideration of the evidence described above, as well as  
5 any other evidence in the administrative record, the City Council makes the  
6 following findings:

- 7           1. Rezone 11-1 (File RE 11-1) is consistent with the General Plan;  
8           2. Rezone 11-1 (File RE 11-1) is consistent with the public interest,  
9 health, safety, and welfare of the residents of the City of Auburn;  
10          3. All documents and materials relating to the proceedings for the  
11 Rezone (11-1) are maintained in the City of Auburn Community Development  
12 Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603;  
13

14          WHEREAS, In view of all of the evidence and based on the foregoing  
15 findings, the City of Auburn City Council hereby adopts the Mitigated Negative  
16 Declaration and Mitigation Monitoring & Reporting Plan for Rezone 11-1.  
17

18 THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

19          Section One: The City of Auburn City Council Rezones 211 Brook  
20 Road from Residential Single Family, minimum 10,000 square feet (R-1-10), to  
21 Open Space Conservation (OSC) Zone.  
22

23          Section Two: This Ordinance shall take effect thirty days following its  
24 adoption as provided by Government Code Section 36937.  
25

26          Section Three: The City Clerk shall certify to the passage and adoption  
27 of this Ordinance and shall give notice of its adoption as required by law.  
28 Pursuant to Government Code Section 36933, a summary of this Ordinance

1 may be published and posted in lieu of publication and posting of the entire  
2 text.

3  
4 Section Four: Should any provision of this Ordinance, or its  
5 application to any person, parcel or circumstance, be determined by a court of  
6 competent jurisdiction to be unlawful, unenforceable or otherwise void, that  
7 determination shall have no effect on any other provision of this Ordinance or  
8 the application of this Ordinance to any other person, parcel or circumstance  
9 and, to that end, the provisions hereof are severable.

10  
11 DATED: July 9, 2012

12  
13  
14 

---

Kevin Hanley, Mayor

15 ATTEST:

16  
17 

---

Joseph G. R. Labrie, City Clerk

18 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
19 that the foregoing resolution was duly passed at a regular meeting of the City  
20 Council of the City of Auburn held on the 9th day of July 2012 by the following  
vote on roll call:

21 Ayes:

22 Noes:

23 Absent:

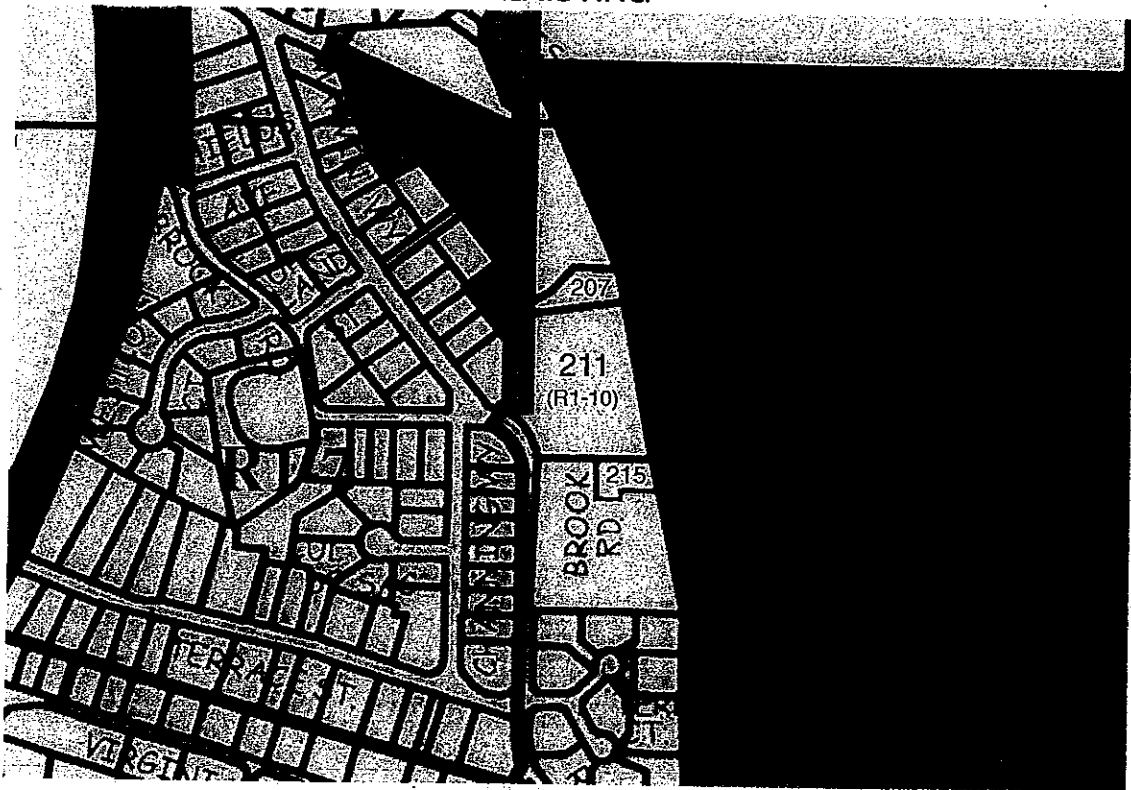
24  
25 

---

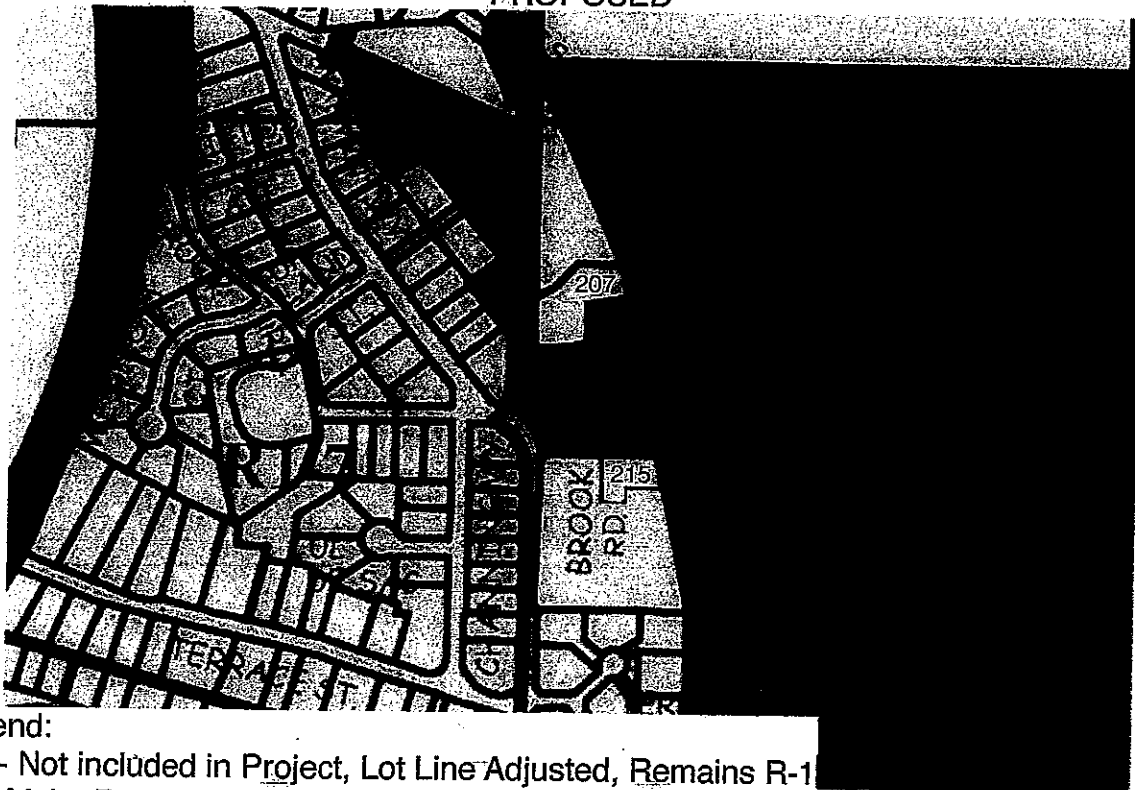
Joseph G. R. Labrie, City Clerk

# Rezoning Proposal

EXISTING

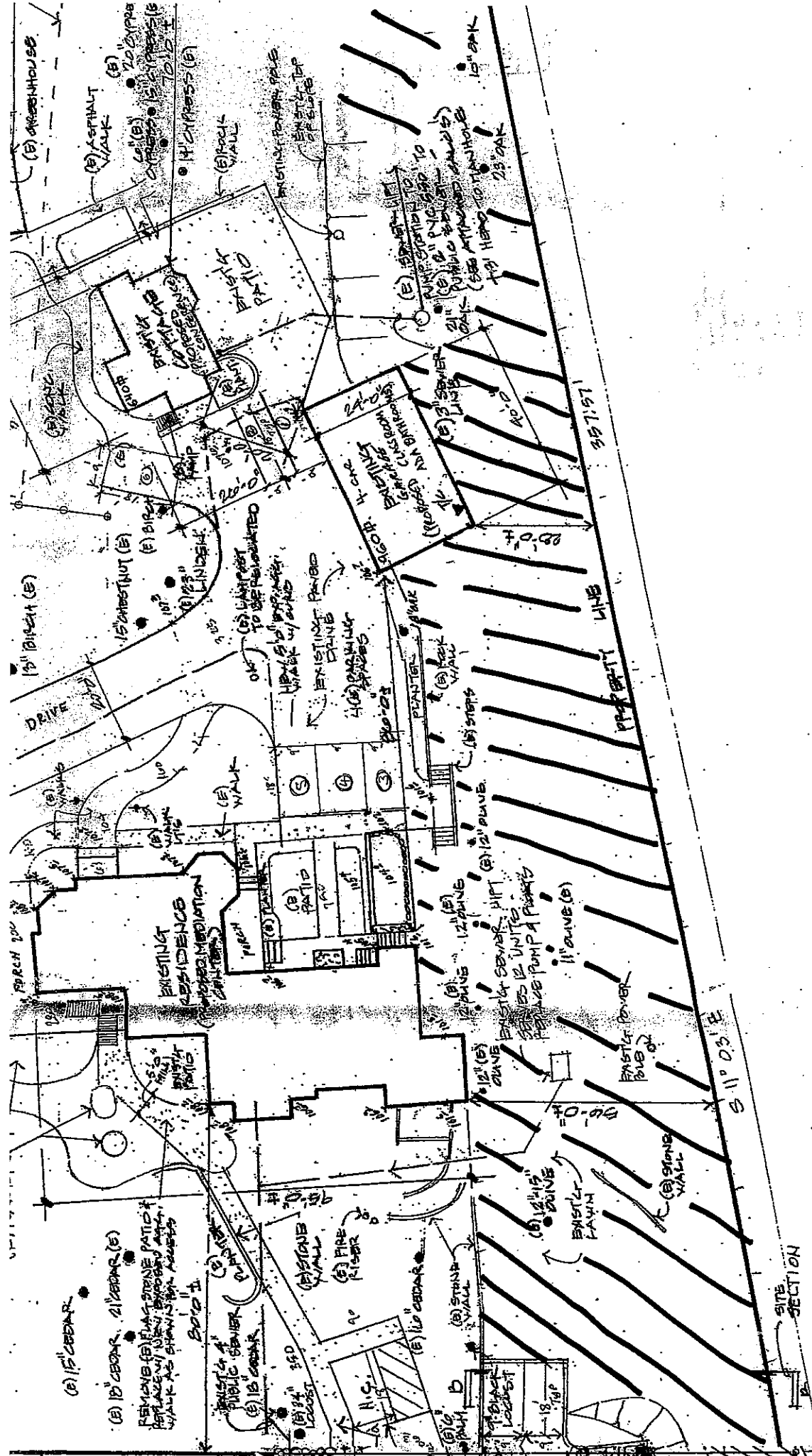


PROPOSED



Legend:

- 207 - Not included in Project, Lot Line Adjusted, Remains R-1
- 211 - Main Proposed Project Site, Lot Line Adjusted, Rezoned to OSC
- 215 - Proposed Parking Lot, Remains R-1



Parking Notes:

- 1) Structured Spaces = 9 x 18
- 2) Compact Spaces (20%) 8' x 16' or 16' optional
- 3) GARAGE is 46 spaces (not counted)

Site Plan - site

--- " --- CT

**AREA RESERVED FOR MUSIC**

**ATTACHMENT I – ON FILE WITH THE  
CITY CLERK AND PROVIDED TO CITY  
COUNCIL UNDER SEPARATE COVER**



**ATTACHMENT**

June 29, 2012

Client-Matter: 45697-030

**BY E-MAIL LLOWE@AUBURN.CA.GOV**

Lance E. Lowe, AICP  
Associate Planner  
Community Development Department  
City of Auburn  
1225 Lincoln Way, Room 3  
Auburn, California 95603

**Re: El Toyon Institute Application for General Plan Amendment, Rezoning, Use Permit, and Tree Permit; 211 Brook Road**

Dear Lance:

As you know, this office represents the Batsel family and its associated entities ("Batsels") in connection with their application for a General Plan Amendment, Rezoning, and Use Permit to allow the use of the historic El Toyon estate, located at 211 Brook Road, for limited mediation, training, and fundraising purposes ("Project"). The Planning Commission considered the Project at a hearing on November 15, 2011 and by a split 2-2 vote, failed to pass a motion recommending approval of the Project. Our clients appealed the Planning Commission's decision and, as requested, this letter is submitted to provide additional information for City staff review and consideration in preparing the staff report to the City Council for its review on July 9, 2012.

The purpose of this letter is to provide additional information relating to the Project to: (1) clarify the trip generation information for the proposed Project, as the calculations were inadvertently doubled by staff in its initial presentation of the Project, (2) address the environmental review requirements for the Project, including the CEQA concerns raised by counsel for the neighborhood group that refers to itself as Keep It Residential ("KIP"); and (3) provide a timeline of our clients' neighborhood outreach efforts.

**1. Corrections to Traffic Information Contained in Staff Report to the Planning Commission**

As you clarified during the Planning Commission hearing and in your email to this office dated December 16, 2011, staff inadvertently doubled the traffic calculations for the Project in its staff report to the Planning Commission. Potential traffic impacts resulting from the proposed Project was and continues to be the Project opponents' main focus of concern and the cause of much confusion relating to the potential effects of the Project. Specifically, for the proposed

**BY E-MAIL LLOWE@AUBURN.CA.GOV**

Lance E. Lowe, AICP  
June 29, 2012  
Page 2

mediation, training, and fundraising uses, you made the following corrections (shown in bold) at the Planning Commission hearing:

- *Mediation:* Using the Single Tenant Office category, the ITE trip generation rates are estimated at 12 vehicle trips per 1,000 square feet. Accordingly, the 2,293 square foot mediation office use and 640 sq. ft. second unit would generate an estimated **70-35** vehicle trips per day (in/out) between the hours of 8:30 a.m. and 6:00 p.m. Monday through Friday.
- *Training:* An estimated 30 students are anticipated to be trained in the proposed converted garage, which would include up to 5 personnel such as trainers and service workers. Trainings would occur between 8 a.m. to 5 p.m. Thursday through Saturday an estimated 40 days per year. Using a Vocational School use category, the ITE trip generation rates are estimated at 1.5 vehicle trips per student. This would equate to **90-45** vehicle trips per day (in/out) for each training held periodically throughout the year.
- *Fundraisers:* Fundraisers for up to 60 guests and 10 event staff would occur periodically throughout the year. Considering that the proposed events are periodic in nature, it is anticipated 1 car per 2.5 guests/event staff would occur. This would equate to an estimated 56 vehicle trips vehicle trips (in/out) per event. We understand that because there is no corresponding ITE use category for fundraising events and therefore, a standard that the County uses for winery events will be utilized.

Although the corrected information above is accurate to the extent that it is based on the size and capacity of the Project site and provides projected trip generation rates for daily use, the proposed mediation, training and fundraising uses permitted under the proposed use permit would be relatively infrequent and compared to the existing use on a month to month or annual rather than daily basis, would result in a *decrease* in overall traffic. Attached to this letter are copies of trip rate charts prepared by our clients based on the ITE Rate Manual and the proposed mediation, training and fundraising uses (**Attachment 1**). The charts compare the trips that would be generated by the proposed uses to the trips generated by the existing use as well as those that would be generated by residential development of the property as permitted under the applicable City regulations.

## **2. CEQA Review**

The Project clearly falls within one or more classes of projects that are exempt from the California Environmental Act, Public Resources Code Section 21000 *et seq* ("CEQA"). Our letter to you dated April 2, 2012, a copy of which is attached hereto, discusses the applicability of the Class 1, Class 3, Class 11, and Class 31 Categorical Exemptions provided under the CEQA

BY E-MAIL LLOWE@AUBURN.CA.GOV

Lance E. Lowe, AICP  
June 29, 2012  
Page 3

Guidelines (**Attachment 2**). (14 Cal. Code Regs., §§15301(n), 15303, 15311(b), 15331.) Categorical exemptions are classes of projects which have been determined not to have a significant effect on the environment and which are, therefore, exempt from the provisions of CEQA (See 14 Cal. Code Regs. §15300, Pub. Resources Code §21084.) Nonetheless, the City has prepared an Initial Study and Mitigated Negative Declaration for the Project ("IS/MND") that concludes that the Project will not have a significant impact on the environment, which is consistent with the fact that the proposed Project is categorically exempt from environmental review pursuant to the CEQA Guidelines.

We would note that in November 2011, KIP's then legal counsel, Remy, Thomas, Moose & Manley, submitted a letter challenging the adequacy of IS/MND and more specifically, the public review period provided by the City for the IS/MND. The City correctly determined that there was no merit to the contention that the IS/MND was inadequate or that the City had not complied with CEQA because it was required to submit the IS/MND to the State Clearinghouse. Moreover, because the Project technically is exempt from CEQA pursuant to the categorical exemptions listed above, there simply is no requirement for any further environmental review.

3. Neighborhood Outreach

Over the last two years, the Batsels have met with, and had numerous discussions with, their neighbors to keep them informed about the proposed Project and address their concerns. Pursuant to your request, attached is an updated chronology of the meetings and discussions with neighbors in which the Batsels have participated since June 2009 (**Attachment 3**).

Please do not hesitate to contact the undersigned should you have any questions or require additional information.

Sincerely,



Kristina Lawson  
Manatt, Phelps & Phillips, LLP

**BY E-MAIL LLOWE@AUBURN.CA.GOV**

Lance E. Lowe, AICP  
June 29, 2012  
Page 4

**Attachments**

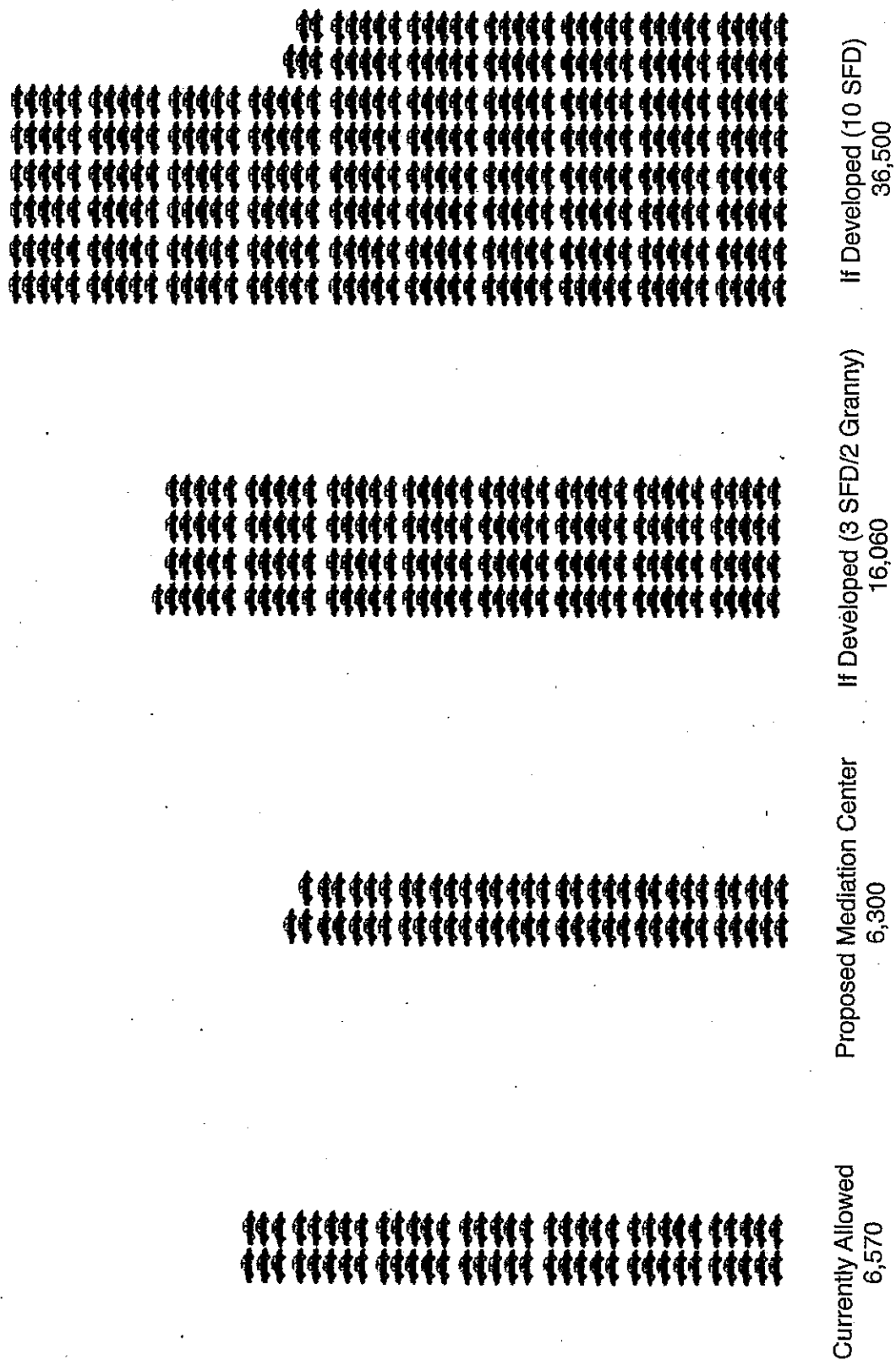
cc: Clients  
Wilfred Wong, Community Development Director (via email [wwong@auburn.ca.gov](mailto:wwong@auburn.ca.gov))

303082568.2

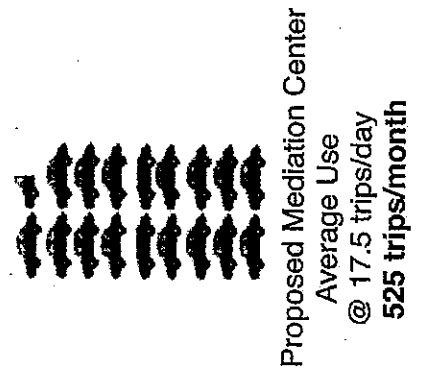
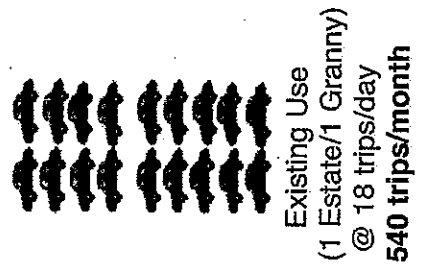
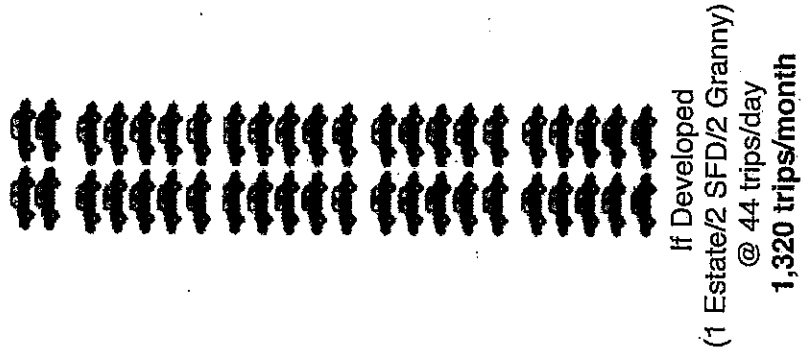
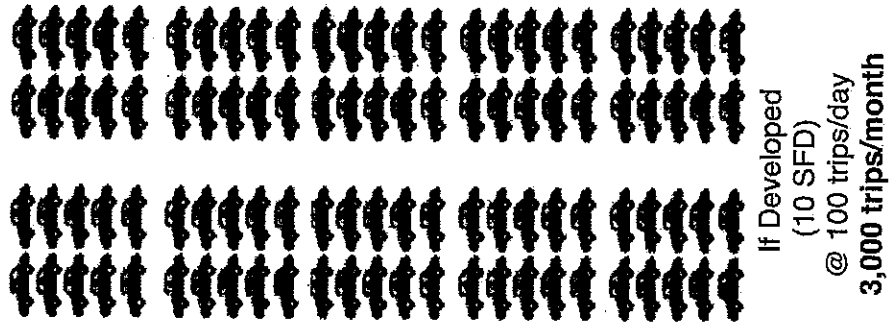
**Attachment 1**

**Trip Generation Charts**

Traffic Generation Rates Comparison  
 El Toyon Mediation Center  
 (Each  = 100 trips)



# Monthly Traffic Generation Rates Comparison El Toyon Mediation Center (Each = 30 trips)



**Attachment 2**

**April 2, 2012 Letter to City of Auburn**

April 2, 2012

Client-Matter: 45697-030

**BY E-MAIL WWONG@AUBURN.CA.GOV**

Wilfred Wong  
Community Development Director  
City of Auburn  
City Hall  
1225 Lincoln Way  
Auburn, CA 95603

**Re: Application for General Plan Amendment, Rezoning, and Use Permit - El Toyon Institute, 211 Brook Road, Auburn, CA**

Dear Will:

As you know, this office represents the Batsel family, and its associated entities, in connection with the pending proposal to use the historic El Toyon estate for mediation and mediation training purposes. The purpose of this correspondence is to formally notify the City that our client wishes to proceed with the pending appeal of the Planning Commission's split 2-2 decision on the El Toyon Institute proposal. Since the Planning Commission hearing, our clients have worked diligently to consider and evaluate alternative land use designations for the project, working collaboratively with City staff and meeting with neighbors to understand and address neighborhood concerns about the project. It is our understanding that City staff believes the land use designations proposed in the original application best serve the land use planning needs of the City. As set forth below, while the project proposal has not been materially modified, our clients are proposing additional conditions of approval to address specific concerns raised by their neighbors.

We respectfully request that this matter be agendized for City Council review as soon as is practicable.

**1. El Toyon Institute Project Description**

As described in the project applications, the El Toyon estate is owned by Terri Stamm Batsel, and is listed on the National Register of Historic Landmarks and the Auburn Historical Resources Inventory. At one time, El Toyon was owned by Colonel Walter Scott Davis who was a Civil War hero and owner of the Mammoth Bar Mine. The estate's shingle style architecture qualifies the property for historic significance and the rezone to OSC (described below).

Wilfred Wong  
April 2, 2012  
Page 2

The project site consists of two parcels, the 211 Brook Road residence, and an adjacent vacant parcel to the south. The parcel on which the historic El Toyon estate is located is proposed for additional uses, and the vacant parcel to the south is proposed to provide adequate parking for the estate.

As proposed, the lower floor of the historic residence would be used for non-profit mediation services, and the upper floor (and unused parts of the lower floor) would remain in private residential use. The mediation services are proposed to be provided between the hours of 9:00 and 5:30 p.m.

Additionally, the estate will be used from time-to-time for educational purposes, providing mediation training, and seminars in topics related to mediation. It is proposed that the educational activities serve no more than 30 persons at a time.

El Toyon Institute also seeks to hold fundraisers throughout the year for approximately 60 people.

We refer you to the original project applications submitted in February 2011 for specific operational details, and for site plans, layout, and items required by the Auburn City Code.

**2. Existing Land Use Designations**

The current zoning designation for the estate property is R1-10. In this existing zoning designation, single-family residences are permitted. (A.M.C., § 159.030.) In addition, in the R1 district, various educational uses, rest homes, large family day-care homes, and government buildings are permitted. With a use permit, private schools, churches, and home occupations may be authorized. (A.M.C., § 159.030(B).) The minimum parcel size for a lot in this zoning district is 10,000 square feet. At approximately 2.25 acres, or approximately 98,000 square feet, the two parcels could accommodate approximately 9 lots of minimum lot size.

The estate is surrounded on three sides by smaller residential lots, duplexes, alleys, and garages located in both the R1 zone and the City's R3 zone. The east side of the property borders the American River Canyon owned by the United States Department of Interior and zoned OSC. The estate is located on a bus transit route, and is walkable from downtown Auburn.

**3. Proposed Land Use Designations**

Consistent with the adjacent property to the east, and based upon the recommendation of City staff, our clients have proposed to rezone the El Toyon estate to the City's Open Space and Conservation District (OSC) in order to properly authorize the proposed mediation center uses.

Wilfred Wong  
April 2, 2012  
Page 3

Pursuant to section 159.044(F), our clients also seek a use permit to authorize the proposed mediation center, which is authorized with a use permit under sections 159.044(F)(1)(b) and 159.044(F)(1)(e).

Our clients and several commenting neighbors desire that all residential uses associated with the property remain with the property following the rezoning to OSC. As we have previously discussed with City staff, we request that the retention of residential rights associated with the property be expressly included in the resolution approving that project. Specifically, we propose the following language:

El Toyon is an estate residence of historical significance to the City and region, and retention of residential uses associated with the site is important to the community. The rezoning to OSC expands the use of the residence for charitable and educational purposes (as enumerated herein), but does not in any way limit the owners ongoing right to use the property for residential purposes.

**4. Environmental Compliance**

Our clients previously completed and submitted the City's environmental review checklist. Based on this information, pursuant to the environmental review requirements of the California Environmental Quality Act ("CEQA"; Pub. Resources Code, §§ 21000 et seq.) City staff previously prepared an initial study and mitigated negative declaration. While we agree with the conclusions in the initial study and mitigated negative declaration that the project will not have a significant impact on the environment, we believe that the mediation center proposal is properly subject to a categorical exemption and that no further environmental review is required. Pursuant to section 15061 of the CEQA Guidelines, the City is required to evaluate whether the project is exempt from CEQA pursuant to a categorical or other CEQA exemption.

Specifically, we have determined the project is subject to the following categorical exemptions:

- Class 1, Existing Facilities. This categorical exemption provides that certain projects involving negligible expansion of existing use are exempt from CEQA. The list of projects subject to the "existing facilities" exemption includes conversion of a single-family residence to office use, as proposed here. (CEQA Guidelines, § 15301(n).)
- Class 3, New Construction or Conversion of Small Structures. This categorical exemption expressly exempts from CEQA the conversion of up to three single-

Wilfred Wong  
April 2, 2012  
Page 4

family residences from one use to another. Here, our clients have proposed the conversion of one single-family residence to another use, and no exterior modifications are proposed to the residence. (CEQA Guidelines, § 15303.)

- Class 11, Accessory Structures. This categorical exemption provides that the construction of small parking lots is exempt from CEQA. The project's proposed parking falls squarely within this exemption. (CEQA Guidelines, § 15311(b).)
- Class 31, Historical Resource Restoration/Rehabilitation. This categorical exemption includes projects to preserve historical resources. The proposed project will allow the owners of the historic El Toyon estate to preserve the estate property for future generations. (CEQA Guidelines, § 15331.)

We look forward to the opportunity to further discuss these exemptions with City staff.

**5. Additional/Revised Proposed Conditions of Approval**

Our clients are sensitive to concerns expressed by their neighbors regarding the proposed change in land use designation. Since the November 2011 Planning Commission hearing, our clients have met with concerned neighbors on numerous occasions and have worked to develop additional or revised conditions of approval to address specific neighborhood concerns. City staff also took part in a meeting with the applicants and concerned neighbors on January 25, 2012.

The additional/revised conditions are set forth below.

**Automatic Permit Expiration**

- Planning Condition 3. The approval date for this project is \_\_\_\_\_, 2012.

Within two years from date of approval, the Planning Commission shall hold a noticed public hearing, paid by the applicant, to review the operation of the El Toyon Institute. Following a review of the operations, and in accordance with all applicable law, if deemed appropriate by the Planning Commission the city can proceed with revocation of the provisions of the Use Permit authorizing the mediation center use.

Wilfred Wong  
April 2, 2012  
Page 5

*Limitations on Proposed Additional Non-profit Use of 211 Brook Road*

- Planning Condition 5.

*Mediation:* Mediations shall be limited to two mediations a day (8 people per session), operating week days between the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

*Mediation Training:* The existing garage conversion to a class room for Mediation Training is limited to 30 students. Class instruction shall be limited to 40 times during the year from 8:00 a.m. to 5:00 p.m. Thursday through Saturday. Instruction shall be limited to Mediation Training.

*Fundraising.* Fundraising Events shall be limited to 4 outdoor fundraising events per year for local non-profit and governmental projects only. Fundraising events shall be limited to a maximum number of 70 persons, including event staff. Events shall be limited to weekends (i.e. Friday night, Saturday or Sunday), with the event terminating at 10:00 p.m. All music sources shall be limited to the rear 1/4 of the property as shown on Attachment 4.

*Parking*

- Planning Condition 7.

If at any time the Community Development Department finds that a parking problem exists due to the increased use of the off street parking or parking lot(s), the Community Development Department may require adjustments to be made in the use or hours of the project thereby reducing and/or alternating the parking demand/use of the availability of parking spaces for the project.

Prior to the first Fundraising Event and/or Mediation Training, the applicant shall submit to the Community Development Department for review and approval a Ride Sharing Program. The Ride Sharing Program shall establish a location where off-site parking can be accommodated and shall include shuttling of guests to and from fundraising events and mediation trainings. The parking lot shall be on private property. Any changes in the Ride Sharing Program shall be reviewed and approved by the Community Development Department.

*Parking Lot Aesthetics*

6. Planning Condition 8. Landscape plans shall be provided with the building plans or improvement plans and shall include the following: (a) Not less than 3% of the gross area of the parking lot shall be provided as landscaping, (b) At least 5% of the gross area of the project shall

Wilfred Wong  
April 2, 2012  
Page 6

be provided for landscaping, (c) The parking lot shall provide a minimum fifty percent (50%) canopy cover at maturity, (d) Perimeter tree plantings shall comply with the spacing requirements of the City's landscape ordinance (i.e. 20' on center), (e) At least 50% of the landscape plantings shall be provided as evergreen materials, (f) Irrigation and runoff from irrigation shall be prohibited within the protected area of all oak trees. The landscape plans shall be revised to provide and detail landscape work within the critical root zone of protected trees, (g) The number and type of tree(s) shall be reviewed and approved by the Community Development Department. Tree planting information shall be provided for approval by the City in conjunction with improvement plans, (h) The property owner shall be responsible for maintaining all site landscape materials in a healthy and weed free condition; dead plant material shall be replaced immediately. All trees shall be maintained and pruned in accordance with the accepted practices of the International Society of Arboriculture (ISA).

#### Lighting

- Planning Condition 10.

Site lighting and photometric plans shall be included with the improvement plans and shall comply with the following standards: (a) New lighting shall be used around the parking lots and pedestrian paths with a maximum height of four (4) feet, (b) Project lighting shall comply with Sec. 150.151(A) of the Auburn Municipal Code with a minimum 1 foot candle for parking lots and 0.25 f.c. for pedestrian paths, (c) Exterior lighting shall be designed and installed to direct light downward as necessary, (d) Lighting details shall be provided for the freestanding lights and the wall packs, (e) Glare shields shall be installed to direct light downward as necessary, (f) All proposed exterior lighting (i.e. pole and wall mounted) shall be designed to match the light fixtures used on the property. Any proposed freestanding lighting shall be restricted to a maximum height of four (4') feet. Details shall be provided on improvement and/or construction plans. Glare shields shall be installed to direct light downward where necessary.

#### Lighting

- Add to Planning Condition 10.

(g) All new project lighting used around the parking lot in connection with the proposed mediation, training, and educational use of the estate shall be turned off within one hour of the end of operating hours as listed in Planning Condition 5 (i.e. by 6:30 p.m. following mediations, 6:00 p.m. following mediation training, and 11:00 p.m. following fundraising events).

Wilfred Wong  
April 2, 2012  
Page 7

Neighborhood Notice

- New Condition.

No later than 10 days prior to a Fundraising Event, the applicant shall provide notice of the date and time of the scheduled event. The notice shall be posted on the El Toyon Institute website, and shall be provided by email to interested parties that have provided email addresses to the applicant, and by email to the Community Development Department

No Transfer of Permit to Unrelated Third Party

- Add to Planning Condition 3.

The applicant agrees that this permit shall not run with the land. The applicant agrees that the permit is valid only so long as El Toyon Institute is owned and managed by Teresa Batsel, Henry Batsel, or a member of Teresa or Henry's family (i.e. Father, Mother, daughter, son, niece, nephew, grandchildren, etc.). If El Toyon Institute or the property is transferred to a non-family member third party, the permit shall immediately terminate.

\*

\*

\*

Because several months have elapsed since the Planning Commission hearing, we would propose a meeting between our clients and City staff to finalize the project conditions of approval and discuss any outstanding matters. We look forward to proceeding with the pending appeal, and will make ourselves available for a meeting at a time convenient for City staff.

Very truly yours,

*Kristina Lawson / R.T.*

Kristina Lawson

cc: Clients  
Michael Colantuono, City Attorney  
Lance Lowe, Project Planner  
Jim Moose, Esq.

### Attachment 3

#### Timeline of Neighborhood Meetings/Discussions

Date	Communication	Parties
March 2012	Informal conversations	Henry Batsel Laurie Meadows Joanne Walder
February 7, 2012	Meeting	Shawn Batsel Laurie Meadows Joanne Walder
January 25, 2012	Meeting at City Hall	Batsels Kristina Lawson Lance Lowe, Associate Planner Neighbors James Moose, KIP Counsel
January 19, 2012	Meeting	Batsels Laurie Meadows Joanne Walder
December 6, 2011	Meeting	Batsels Neighbors at 245 Brook and Townhomes
November 13, 2011	Meeting	Terri Batsel Neighbors
November 12, 2011	Meeting	Henry Batsel Pam Richards Lon
April 28, 2010	Initiate Contact	Henry Batsel to Mr. Brocker
October 20, 2009	Letter to Neighbors	Batsels to neighbors providing meeting dates and inviting meetings
September 21, 2009	Meeting	Batsels Pam Richards Lon Judy Melack Art Melack Laurie Meadows Joanne Walder
September 8, 2009	Meeting	Batsels Neighbors
September 4, 2009	Meeting	Batsels Laurie Meadows Joanne Walder
June-July 2009	Meetings regarding location of parking lot	Batsels Laurie Meadows Joanne Walder
June 30, 2009	Meeting	Batsels Neighbors
June 23, 2009	Meeting regarding location of parking lot	Batsels Pam Richards Lon
June 15, 2009	Meeting	Batsels Neighbors

303128850.1